



March 4th, 2021

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th March 2021** at **10:00 am** in **Microsoft Teams**.

**Committee Membership:**

- Councillor R Burgess (Chair)
- Councillor J Tinnelly (Deputy Chair)
- Councillor P Brown
- Councillor S Doran
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor D Murphy
- Councillor D McAteer
- Councillor G O'Hare
- Councillor G Stokes
- Councillor J Trainor

# Agenda

## 1.0 Apologies.

## 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 the entire item.

- Item 6 - LA07/2020/0788/F - Councillors Brown and Doran cannot take part in the discussion/decision on this application.
- Item 7 - LA07/2020/0843/LBC - Councillors Brown and Doran cannot take part in the discussion/decision on this application.

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 10 February 2021. (Attached).

 *Planning Committee Minutes 10-02-2021.pdf*

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### *For Discussion/Decision*

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## 5.0 Addendum list - planning applications with no representations received or requests for speaking rights. (Attached).

 *Addendum list - 10-03-2021.pdf*

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

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## 6.0 LA07/2020/0788/F - Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance - Mourne Park House Mourne Park Kilkeel Newry BT34 4LB. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Karl Pederson, architect,

- and Marion Russell, in support of the application. **(Submission attached)**.
- A representative from HED Historic Buildings will be in attendance.

📄 *LA07-2020-0788-F.pdf*

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📄 *Items 6 and 7 LA07-2020-0788-F AND la07-2020-0843-LBC.pdf*

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## 7.0 **LA07/2020/0843/LBC Mourne Park House Mourne Park Kilkeel Newry Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works. (Case Officer report attached).**

CONSENT REFUSED

- A request for speaking rights has been received from Karl Pederson, architect, and Marion Russell, in support of the application. **(Submission attached)**.
- A representative from HED Historic Buildings will be in attendance.

📄 *LA07-2020-0843-LBC.pdf*

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### *Development Management - Planning Applications for determination*

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## 8.0 **LA07/2020/1292/O Erection of 2 detached infill dwellings and garages Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch. (Case Officer report and addendum attached).**

APPROVAL

- This application is being removed from the schedule at the request of Planning Officers.

📄 *LA07\_2020\_1292\_O\_Addendum.pdf*

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📄 *LA07-2020-1292-O 2 10 Glassdrumman Road 2xinfll.pdf*

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## 9.0 **LA07/2020/0299/F - Single storey dwelling - Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick. (Case officer report and addendum attached).**


REFUSAL

- Addendum list

N.B. Councillor O'Hare has requested this application be removed from the addendum list for full presentation at the next Planning Committee Meeting

 [LA07 2020 0299 F Addendum.pdf](#)

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 [LA07 2020 0299 F COR.pdf](#)

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**10.0 LA07/2019/1312/F - Two Infill Dwellings and Garages - Between 12 & 16 Lisinaw Road, Crossgar. (Case Officer report attached).**

APPROVAL

- This application is being removed from the schedule at the request of Planning Officers.


 [LA07 2019 1312 F.pdf](#)

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**11.0 LA07/2020/1155/F - Proposed football ground to accommodate the relocation of Newcastle Football Club. Development comprises 3no football pitches(1no full sized intermediate standard grass pitch, 1no U12 grass pitch and 1no small sided 3G games Pitch), new access to church Hill, Club house, temporary portacabin for use as temporary changing facilities, equipment store, ball stop netting, spectator seating, fencing, car parking, new entrance gates, landscaping and associated works - Lands approx. 15m west of**

APPROVAL

- Addendum list

 [LA07\\_2020\\_1155\\_ChurchRd\\_DCO.pdf](#)

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**12.0 LA07/2020/0485/F - 864 m<sup>2</sup> of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m<sup>2</sup> Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m<sup>2</sup> ) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 M**

APPROVAL



- A request for speaking rights has been received from Barry Owens, agent, in support of the application, on the basis that he will be endorsing the decision of the Planning Officer and available to answer any questions.

LA07 2020 0485 F.pdf

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**13.0 LA07/2020/0486/DCA - Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area) - Nos 46/49/50/51/52/53 & 54 Merchants Quay, Newry. (Case Officer report attached).**

APPROVAL

- A request for speaking rights has been received from Barry Owens, agent, in support of the application, on the basis that he will be endorsing the decision of the Planning Officer and available to answer any questions.

LA07.2020.0486.DCA.pdf

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**14.0 LA07/2020/0487/LBC - Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including propo**

CONSENT APPROVAL

- A request for speaking rights has been received from Barry Owens, agent, in support of the application, on the basis that he will be endorsing the decision of the Planning Officer and available to answer any questions.

LA07.2020.0487.LBC.pdf

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**15.0 LA07/2020/1258/F - Multi-use, non-bitmac, compacted gravel community trails - Daisy Hill Wood, Pound Road, Newry. (Case Officer report attached).**

APPROVAL

- Addendum list

## 16.0 LA07/2020/0079/O Dwelling and garage on gap site Lands approximately 50m north west of No. 53 Ayallogue Road Newry. (Case Officer report attached).

### REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission attached)**.

LA07-2020-0079-O.PDF

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Item 16 - LA07-2020-0079-0.pdf

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## 17.0 LA07/2020/1000/O- Proposed infill dwelling - Lands between 5 and 9 Billy's Road, Ballyholland, Newry. (Case Officer report attached).

### APPROVAL

- A request for speaking rights has been received from Ciaran Murtagh, local resident, in objection to the planning application. **(Submission attached)**.
- A request for speaking rights has been received from Cllr. D McAteer, on behalf of residents objecting to this planning application. **(Submission attached)**.
- A request for speaking rights has been received from Anthony Grimes, applicant, in support of the application. **(Submission attached)**.

LA07-2020-1000-O- Between 5 and 9 Billy's Road.pdf

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Item 17 - la07-2020-1000-f (objection C Murtagh).pdf

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Item 17 - LA07-2020-1000-F (objection).pdf

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Item 17 - LA07-2020-1000-F (support).pdf

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## 18.0 LA07/2020/1084/O - Site for 2 storey infill dwelling - Immediately adjacent to and North of 32 Bettys Hill Road Ballyholland Newry. (Case Officer report attached).

### REFUSAL

- A request for speaking rights has been received from Tony Mackle, agent, and Mr Jim McQuillan, applicant, in support of the application. **(Submission attached)**.

LA07-2020-1084-0.pdf

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***For Discussion/Decision***

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**19.0 Review of the implementation of The Planning Act 2011 - Call for Evidence.**

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***For Noting***

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**20.0 Historic Actions Tracking Sheet. (Attached).**

 *Planning HISTORIC TRACKING SHEET - Updated February 2021.pdf*

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**21.0 Planning Committee Performance Report.**

**22.0 Planning Appeals and Decisions.**

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***Local Development Plan Items - Exempt Information***

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**23.0 LDP - Planning Policy Review - Overview. (Report attached).**

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

 *PC Report re LDP PPR - Overveiw.pdf*

***Not included***

**24.0 LDP: Planning Policy Review - Transportation. (Report attached).**

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

 *PC Report re LDP PPR - Transportaion.pdf*

***Not included***

**25.0 LDP: Planning Policy Review - Flood Risk and Drainage. (Report attached).**

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

 *PC Report re LDP PPR - Flood Risk and Drainage.pdf*

***Not included***

# **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

## **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 February 2021 at 10.00am via Microsoft Teams**

**Chairperson:** Councillor R Burgess

**In attendance: (Committee Members via Teams)**

Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D McAteer  
Councillor D Murphy  
Councillor G O'Hare  
Councillor G Stokes  
Councillor J Tinnelly  
Councillor J Trainor

**(Non Members via Teams)**

Councillor A Lewis

**(Officials)**

Mr C Mallon	Director Enterprise Regeneration & Tourism (via Teams)
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Mr A Davidson	Senior Planning Officer (via Teams)
Ms J McParland	Senior Planning Officer (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr F O Connor	Legal Advisor (via Teams)
Ms S Taggart	Democratic Services Manager (via Teams)
Ms C McAteer	Democratic Services Officer (via Teams)
Ms L Dillon	Democratic Services Officer (via Teams)

**Also in attendance:** Mr D Fitzsimon Planning Advisor

**P/009/2021: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from:  
Councillor P Brown  
Councillor S Doran

**P/0010/2021: DECLARATIONS OF INTEREST**

No declarations of interest.

**P/011/2021:        DECLARATIONS IN ACCORDANCE WITH PLANNING  
COMMITTEE PROTOCOL PARA. 25  
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

No declarations received in relation to Paragraph 25 of Planning Committee Operating Protocol.

**MINUTES FOR CONFIRMATION**

**P/012/2021:        MINUTES OF PLANNING COMMITTEE MEETING HELD ON  
WEDNESDAY 13 JANUARY 2021**

Read:                Minutes of Planning Committee Meeting held on Wednesday 13 January 2021. **(Copy circulated)**

**AGREED:            On the proposal of Councillor McAteer seconded by Councillor O Hare it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 January 2021 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/013/2021:        ADDENDUM LIST**

Read:                Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 February 2021. **(Copy circulated).**

**AGREED:            On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 10 February 2021:**

- **LA07/2020/0108/F** - 24 Park Avenue Newcastle - demolition of existing 1.5 storey dwelling and garage and redevelopment of land to form 5 apartments with associated parking and siteworks **APPROVAL**
- **LA07/2020/0407/O** - 60m SW of no.42 Levallyreagh Road Rostrevor Warrenpoint Co Down - proposed site for a farm dwelling and domestic garage **REFUSAL**
- **LA07/2020/1034/F** - Aughrim Hill Wood Ballymeageogh Road Kilkeel Newry BT34 4SX - new, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2020/1035/F** - Aughrim Hill Wood Ballymeageogh Road Kilkeel New, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2019/1322/F** - Slieve Gullion Forest Park 89 Drumintee Road Killeavy BT35 8SW Provision of public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area **APPROVAL**

## **DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**

### **P/114/2021: PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were determined by the Committee:-

#### **(1) LA07/2020/0013/F**

##### **Location:**

Approx 80m north of 64 Dromara Road Ballyward Castlewellan

##### **Proposal:**

Farm building and animal handling facility and hardstanding

##### **Conclusion and Recommendation from Planning Official:**

Refusal

##### **Power-point presentation:**

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

##### **Speaking rights: (via Teams)**

##### In support:

Mr Gerry Tumilty Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

##### **Issues raised:**

- Location of shed – it is the view of Planning that the building could be facilitated elsewhere on the farm, ie, at the main holding cluster – as opposed to an isolated site.
- Applicant requires the building to be provided at the proposed location to address animal movement, animal welfare, avoid the land at this location being 'under farmed'.
- Evidence needed to demonstrate why it is necessary for the additional building to be provided at a location which Planning Policy does not encourage.
- Applicant received advice the land was not suitable to produce crops and only suitable for silage and grazing.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2020/0013/F as follows:

- (a) To allow the Applicant an opportunity to demonstrate that the provision of a building at the proposed location will help with the management and profitability of the farm.
- (b) To hold a site visit to examine refusal reason No. 3, regarding The proposed siting of the building being unduly prominent in the landscape causing detrimental change to the rural character of the area.



- (2) LA07/2020/0788/F  
 (3) LA07/2020/0843/LBC

**Location:**

Mourne Park House Mourne Park Kilkeel Newry BT34 4LB

**Proposal: (LA07/2020/0788/F)**

Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance

**Conclusion and Recommendation from Planning Official:**

Refusal

**Proposal: (LA07/2020/0843/LBC)**

Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works.

**Conclusion and Recommendation from Planning Official:**

Consent refused

**Power-point presentation:**

Ms Jacqui McParland Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Ms McParland pointed out this was a major application and under Legislation, if the Committee go against officer recommendation, the Planning Department will forward the Planning Committee's recommendation to the Department for Infrastructure for oversight.

(11.11am – the meeting adjourned)

(11.17am – the meeting resumed)

Mr McKay proposed the Committee hear the presentation by the Architect and Applicants. He said should the Committee decide to defer for a site visit, this will happen and on referral back to the Planning Committee, Planning Protocol can be set aside given the exceptional nature of the application in terms of scale and complexity, and therefore a full suite of presentations can be heard again.

**Speaking rights:  
(via Teams)****In support:**

Mr Karl Pedersen Architect and Marion Russell, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Size of development – view of Planning it will cause detrimental impact to listed buildings.
- Planning require a business case that would show costs and options to establish how much development is needed for the project to be financially viable.

- Following a feasible study to identify possible uses for Mourne Park, it was found that the scheme as presented in the planning application was most suitable and would safeguard the listed buildings.
- Planning requirement for working drawings – architect feels this should not be necessary at this stage of the process.
- Planning Department and HED have concerns regarding the size, scale, mass and siting of the proposed project.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Stokes it was agreed to defer Planning Applications LA07/2020/0788/F and LA07/2020/0843/LBC, for a site visit to be arranged as soon as possible which should also include a substantial tour of the building.

It was also agreed when both applications are brought back to the Planning Committee again for consideration representatives from HED be invited to be in attendance.

(12.01pm – the meeting adjourned)

(12.08pm – the meeting resumed)

#### **(4) LA07/2018/1093/F**

##### **Location:**

18 – 22 Church Street, Warrenpoint extending to and including No 7 Mary Street, Warrenpoint

##### **Proposal:**

redevelopment of existing two and a half storey town centre supermarket with street frontage, including demolition of end of terrace kitchen house to the rear, to provide a new two storey extension to the rear comprising additional deli and fresh food retail space, public toilets, storage and forecourt loading bay with canopy.

##### **Conclusion and Recommendation from Planning Official:**

Approval

##### **Power-point presentation:**

Mr Pat Rooney Principal Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

##### **Speaking rights: (via Teams)**

##### In support:

Mr Jim Maneely Agent and Mark Higgins Applicant, requested speaking rights in support of the application.

##### **Issues raised:**

- The presentation provided details of the Planning assessment of the proposal, amendments received and the issues raised by objectors. The application could be recommended for approval.



**Noted:**

No submissions received from objectors.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Stokes it was agreed to issue an approval in respect of Planning application LA07/2018/1093/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.

**(5) LA07/2019/1447/O****Location:**

Site immediately opposite and south-west of 19 Ballydesland Road Warrenpoint BT34 3QB

**Proposal:**

Single storey dwelling on a farm with detached garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr P Rooney Principal Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Teams)****In support:**

Mr Barney Dinsmore Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Planning view is the application does not group with existing farm buildings as it is located on the other side of a public road, it will contribute to ribbon development and does not constitute an infill.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2019/1447/O, contrary to officer recommendation, on the basis that the building and yard both cluster with the rest of the farm buildings and main house on the farm, and the land is viewed as arable land.

**Planning Officers be delegated authority to impose any relevant conditions.**

**(6) LA07/2020/0335/F****Location:**

Land between 31 and 35 Foughilletra Road Foughilletra Co. Armagh

**Proposal:**

Proposed 2 infill dwellings and detached garages

# **Conclusion and Recommendation from Planning Official:**

Refusal

## **Power-point presentation:**

Mr Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

## **Speaking rights:**

**(via Teams)**

## In support:

Mr Barney Dinsmore Agent, and Sinead Quinn Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2020/0335/F, contrary to officer recommendation as the proposal complies with all requirements under CTY 8 and complies with the development pattern along this area.**

**Planning Officers be delegated authority to impose any relevant conditions.**

## **(7) LA07/2020/0669/F**

## **Location:**

90m SE 21 Ballynalack Road Ballynalack Camlough

## **Proposal:**

2 dwellings and 2 garages

# **Conclusion and Recommendation from Planning Official:**

Refusal

## **Power-point presentation:**

Mr Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

## **Speaking rights:**

**(via Teams)**

## In support:

Mr Michael Clarke Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

## **Issues raised:**

- The agriculture building north of the site has no frontage; the agriculture building south of the site has frontage and is considered a gap but due to size, is out of character with the small frontages surrounding it.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed to defer Planning Application LA07/2020/0669/F for a site visit.

(1.15pm – the meeting adjourned)

(1.50pm – the meeting resumed)

**(8) LA07/2020/0724/F**

**Location:**

Approx. 120m NW of 64 Chapel Road Meigh

**Proposal:**

Farm dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Teams)**

In support:

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Co-joined buildings

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2020/0724/F, contrary to officer recommendation, on the basis there are a number of separate sheds located on the site that are co-joined, and therefore complies with planning policy CTY10.

**Planning Officers be delegated authority to impose any relevant conditions.**

**(9) LA07/2020/1103/O**

**Location:**

Adjacent to and 30m NE of No 122 Newry Road Silverbridge Newry

**Proposal:**

Site for dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

### **Power-point presentation:**

Mr Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

### **Speaking rights: (via Teams)**

#### In support:

Mr Brendan Quinn Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

### **Issues raised:**

- The proposal adds to ribbon development in the area.
- Requirement for a continuous frontage – what features break frontage.

Councillor Hanna proposed and Councillor Larkin seconded to issue an approval in respect of Planning Application LA07/2020/1130/O, contrary to officer recommendation, on the basis it is accepted a continuous frontage exists with the development pattern along the road and the proposal complies with CTY8.

Mr McKay believed the proposer and seconder of the proposal needed to further elaborate on the reasons why it is believed a continuous frontage existed regarding this application, and he cautioned Members regarding their interpretation of Planning policy and the level of inconsistency with the Committee.

Councillor Hanna said the application met planning policy as it had the required number of buildings and although he accepted the road fronted onto a main road, he confirmed he did however stand by his proposal.

Councillor Larkin indicated he was aware of a number of past applications where a minor road joined a major road and it was accepted this did not break frontage.

The proposal was put to a vote by way of roll call, and voting was as follows:

FOR:	5
AGAINST:	2
ABSTENTIONS:	2

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2020/1130/O, contrary to officer recommendation, on the basis it is accepted a continuous frontage exists with the development pattern along the road and the proposal complies with CTY8.**

**Planning Officers be delegated authority to impose any relevant conditions.**

**EXEMPT INFORMATION ITEMS**

**AGREED:** On the proposal of Councillor Murphy seconded by Councillor Larkin it was agreed to exclude the public and press from the meeting during discussion on the following matter which related to exempt information by virtue of *Paragraph 1* of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual and the public, may, by resolution, be excluded during this item of business.

**(10) LA07/2018/0860/F (EXEMPT)****Location:**

45 metres north-east of No 14 Rath Road Clonallon Glebe Tb. Warrenpoint Newry BT34 3RX

**Proposal:**

Proposed replacement dwelling (amended drawings)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr A McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Teams)****In support:**

Mr Colin O Callaghan Agent and Mr Seamus Collins, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

(3.00pm – Councillor Trainor left the meeting)  
(3.00pm – Councillor Tinnelly chaired the meeting from this point)  
(3.10pm – Councillor Burgess resumed the Chair from this point)

**P/015/2021: PLANNING IMPROVEMENT PROGRAMME**

**Read:** Report from Mr C Mallon Director Enterprise Regeneration & Tourism regarding the Planning Improvement Programme. **(Copy circulated)**

(4pm – Councillor Harte left the meeting)  
(4pm – Councillor Stokes left the meeting)

**AGREED:** On the proposal of Councillor Murphy seconded by Councillor Larkin it was agreed to come out of Closed Session.

When the Committee came out of Closed Session, the Chairperson reported the following decisions had been taken:



**LA07/2018/0860/F - Proposed replacement dwelling - 45 metres north-east of No 14 Rath Road Clonallon Glebe Tb. Warrenpoint Newry BT34 3RX**

**AGREED:** Following a vote of 5 For, 1 Against and 2 Abstentions, it was agreed on the proposal of Councillor Tinnelly seconded by Councillor Larkin to issue an approval in respect of Planning Application LA07/2018/0860/F, contrary to officer recommendation, on the basis the personal circumstances make a compelling argument as Mr & Mrs Collins clearly need to build somewhere out of necessity, and the access and amenity benefits are priority considerations in this case.

**P/015/2021 - Planning Improvement Programme**

**AGREED:** It was agreed to note Report from Mr C Mallon Director Enterprise Regeneration & Tourism regarding the Planning Improvement Programme.

It was also noted a Planning Workshop would take place at the end of February 2021 at which the Planning Scheme of Delegation can be discussed and any additional issues Councillors would like included at this Workshop should be forwarded to Mr A McKay Chief Planning Officer.

**LOCAL DEVELOPMENT PLAN ITEMS**

**P/016/2021: PROGRESS REPORT  
RE: LOCAL DEVELOPMENT PLAN**

**Read:** Report dated 10 February 2021 from Mr A McKay Chief Planning Officer regarding the Local Development Plan. **(Copy circulated)**

**AGREED:** It was agreed to note Report dated 10 February 2021 from Mr A McKay Chief Planning Officer regarding the Local Development Plan, as presented by Mr A Hay Principal Planning Officer.

**FOR NOTING**

**P/017/2021: HISTORIC ACTION SHEET**

**Read:** Planning historic action sheet. **(Copy circulated)**

**AGREED:** It was unanimously agreed to note the Planning Historic Action Sheet.

**P/018/2021: PLANNING COMMITTEE PERFORMANCE REPORT  
JANUARY 2021**

**Read:** Planning Committee Performance Report for January 2021. **(Copy circulated)**

**AGREED:** It was unanimously agreed to note the Planning Committee Report for January 2021.

**P/019/2021: PLANNING APPEALS AND DECISIONS**

**Read:** Planning Appeals and Decisions Report for January 2021.  
**(Copy circulated)**

**AGREED:** **It was unanimously agreed to note the Report on Planning Appeals and Decisions for January 2021.**

The Meeting concluded at 4.15pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 10 March 2021.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**

**Item 5 – Addendum List****Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 10 March 2021**

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

- LA07/220/0299/F – single storey dwelling – adj to 7 Annacloy Road North, Dunnanelly, Downpatrick **REFUSAL**
- LA07/2020/1155/F - Proposed football ground to accommodate the relocation of Newcastle Football Club. Development comprises 3no football pitches(1no full sized intermediate standard grass pitch, 1no U12 grass pitch and 1no small sided 3G games Pitch), new access to church Hill, Club house, temporary portacabin for use as temporary changing facilities, equipment store, ball stop netting, spectator seating, fencing, car parking, new entrance gates, landscaping and associated works - Lands approx. 15m west of No 1 Church Hill and approx. 50m south of No's 2-7 Country Cottages Church Hill Newcastle **APPROVAL**
- LA07/2020/1258/F - Multi-use, non-bitmac, compacted gravel community trails - Daisy Hill Wood, Pound Road, Newry **APPROVAL**

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





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0788/F

**Date Received:** 15.06.2020

**Proposal:** Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance.

**Address:** Mourne Park House, Mourne Park, Kilkeel, Newry

#### **Site Characteristics & Area Characteristics:**

Mourne Park house and outbuildings comprise of a double pile/ three bay house with two storeys to front, and three to rear, and two-storey kitchen block abutting NW corner. The main building was largely destroyed by fire in May 2013. It faces to south in a large mature demesne, with three yards of outhouses to rear (HB16/05/009B) and gardener's house behind (HB16/05/009C). The buildings were constructed in the early 19th century in origin but were much altered and extended in the early 20th century. Prior to the fire the buildings had a hipped natural slate roof with flat central leaded section, deeply overhanging eaves to main façade, with timber sheeted soffit and decorated rafter tails to remaining elevations. Abutting to ground floor left is the south elevation of the single storey (billiard room) extension. The porch is c.1900 in style and has a pitched corrugated metal roof. The setting to the front of the house is a three-stage terrace with central linking steps between levels. There is a raised paved area in front of the house, and beyond this a lawned section enclosed by a low granite wall and containing an ornamental pond on either side of a central pathway. Steps link with the lowest terrace, also lawned. All paths have been formed using large concrete blocks. The right elevation has a lawned garden enclosed by a low granite wall to three sides and contains a sundial and a low, rock faced family mausoleum. Beyond, to NW, is a large garden with mature yews, paths and a pergola with concrete block path at the end of which is a pair of wrought iron gates c.1890 leading to a concrete swimming pool which is enclosed by a hedge. The left elevation provides main entrance and has a loop of

gravel driveway, with lawns to the centre and edges. Beyond to all sides the domain has picturesque garden to far right with statuary and pergola etc. The lake to south of house is now mostly silted up.

A series of three yards aligned S-N to north of house (HB16/05/009A) and formed by single storey outbuildings. Each yard is accessed from a lane running up the outside of the west wall.

The demesne, founded in the 17th century, was largely created in its present form in the early 19th century. It covers 1,194 acres (484ha), largely walled and including the mountain behind the house; the present registered area, which excludes the golf course of 112 acres (43ha) in the south-east, extends to 1,082 acres (438ha). The demesne park, enclosed behind a twelve-foot-high granite wall, occupies a remarkably fine site on the south facing slopes of Knockchree (Hill of the Deer) Mountain.

### **Site History:**

P/2003/0865/LB - Mourne Park House, Mourne Park, Ballyrogan, Kilkeel, Co Down, BT34 4LB - Removal of statue known as Ulysees and his dog. – Granted 25.07.2003  
P/2003/1757/LB - Mourne Park House, Mourne Park, Kilkeel, Co.Down, Townland of Ballyrogan - Proposed removal of statue known as Francis Jack The Second Earl of Kilmorey Refused and Appeal Dismissed. 11.01.2005

### **Planning Policies & Material Considerations:**

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge & Newry and Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS 6- Planning, Archaeology and the Built Heritage
- PPS 16 Tourism
- PPS 21 Sustainable development in the Countryside

### **Consultations:**

DfI Roads: No Objections.

NIEA: No Objections subject to conditions

HED Monuments: Contrary to BH 6 of PPS 6.

HED Listed Buildings: Contrary to BH 8 and BH 11 of PPS 6.

SES: No objections

Water NI: No objections

Environmental Health: No objections

### **Objections and Representations:**

The Department have advertised the proposal on 3 occasions and Neighbour notified on 3 occasions since the application was validated in June 2020. To date no representations have been received.

### **Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. This site is located within the rural area, the Mourne's AONB, Mourne Park Historic Park and has a SLCNI also within the sites parameters.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The Planning Department have now assessed, consulted and advertised 4 versions of this proposal. The original submission and 3 revisions. We have also facilitated a meeting with the Agent, Applicant and HED in December 2020 to ascertain if a common consensus could be achieved. This has resulted in the most recent set of amended plans being submitted and these are the drawings which will be considered in this report.

### **Principle of Development**

This proposed development consists of the change of use of the listed building structures of Mourne Park House and its numerous outbuildings together with a large proposed extension to the west of these structures to create a hotel development.

BH 7 assesses the change of use of the listed buildings to hotel use. This policy allows for the change of use to listed buildings where that change would allow for and secure the future upkeep and survival of the building itself. The main building at Mourne Park was substantially damaged in a fire in 2013. The roof is no longer on the main house and there has been significant damage to the internal architectural content of the property. While the change of use to a hotel would secure the upkeep and survival of the building going forward the accompanying new build development and alterations to the listed structure will have an impact on the setting, character and appearance of the listed structure given its scale massing and ancillary works required. This would leave this proposal contrary to BH 7 of PPS 6. The impact on scale, massing and ancillary works will be discussed further below.

PPS 16 Tourism policy TSM 4 allows for the hotel development within the countryside. However, this policy specifically allows for the replacement of rural buildings or new build accommodation on the periphery of a settlement. The agent has referred to paragraph 7.10 of the justification and amplification of this policy in his supporting statement. This paragraph refers the decision maker to PPS 21 and the policy CTY 4 for the reuse of suitable rural buildings. This policy allows for the reuse of rural buildings for a variety of suitable uses. The SPPS also amends this policy to only allow for the conversion and reuse of a locally important building. As this proposal involves a listed building the Planning Department would recognise that CTY 4 is relevant to our consideration and meets the criterion of being a locally important building. CTY 4



states that *"All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against the policy provisions of PPS 6"*.

Therefore, the proposal as currently submitted is currently contrary to BH 7, BH 8, BH 11 and CTY 4 as detailed below given the scale, massing and siting of new build development proposed together with the lack of clarity in relation to the profitability of the proposed scheme which is further expanded upon in the economic consideration below.

#### Impact on Built Heritage and Economic Consideration

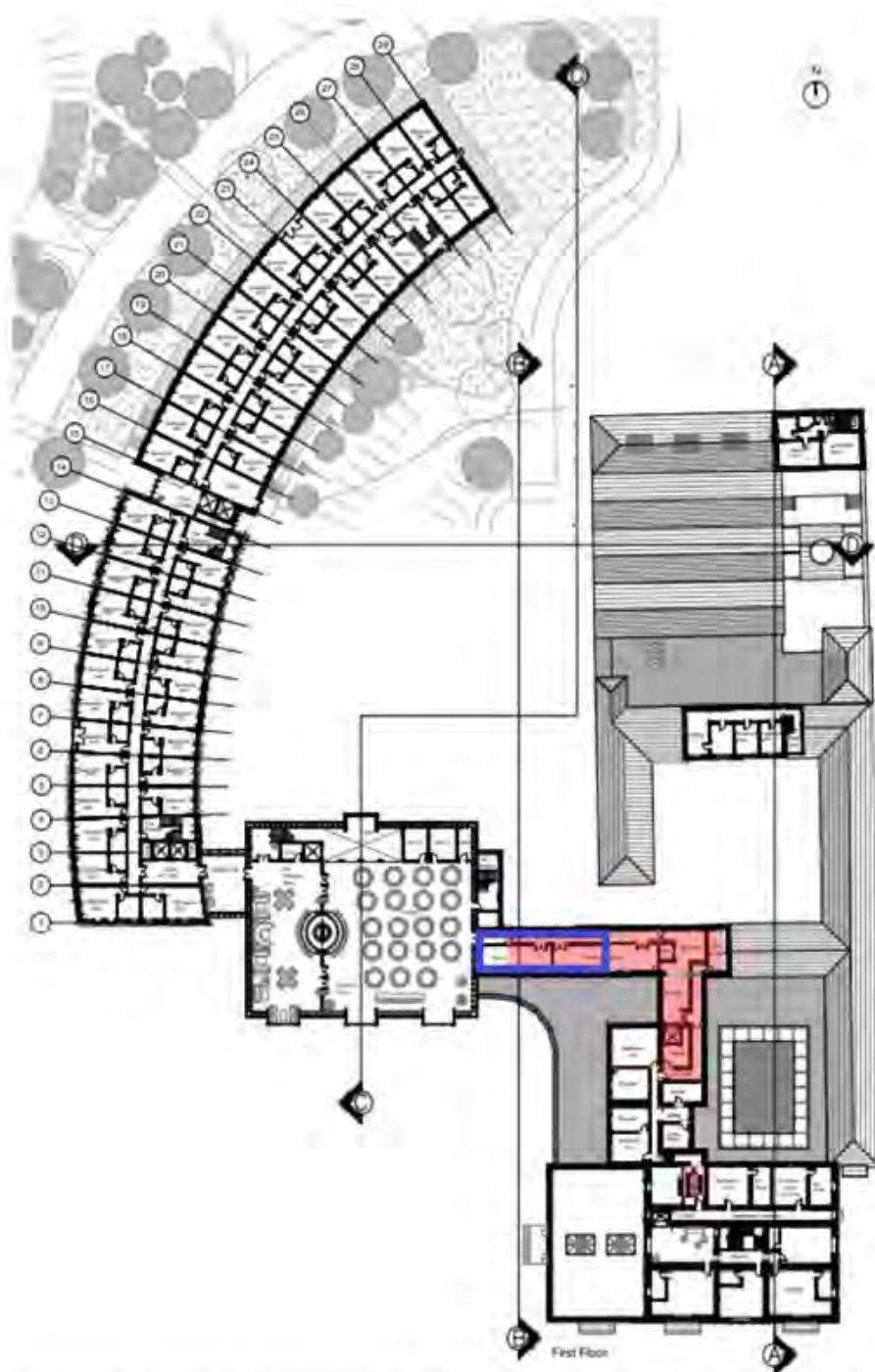
The Planning Department have consulted with HED Monuments and Listed Buildings on the proposals to date. HED Listed Buildings branch have assessed the proposal against BH 7 Change of Use of a Listed building, BH 8 Alterations and Extension of a Listed Building, and BH 11 Development affecting the setting of a listed building.

In assessing the change of use of the listed building to a hotel development, the planning authority have considered the submission from the agent stating that the current proposal for a hotel development is the only financially viable option. He has ruled out options 1, 2, 3 and 5 on this basis. The Planning Authority having assessed the information submitted are mindful that a detailed cost analysis of each option is not available to allow serious consideration to be given to all the options outline as possible alternative uses. Policy BH 7 seeks to ask the developer to conduct *"an assessment of the building and how best to plan a new use which respects the features and characteristics of that building. To find a use first and then seek to adapt the building to accommodate it is likely to result in difficulties and expense as well as an unnecessary loss of historically and architecturally important material."* The policy then requires the decision maker to balance the economic viability against the proposed uses and the impact they would have on the special architectural or historical interests on the building in question. Given the lack of detailed robust cost analysis submitted, the Planning Department are unable to determine that this proposal meets policy BH 7.

The Planning Department also must consider the proposal under policy BH 8 Extension and Alternation of a Listed Building and BH 11 Development affecting the setting of a Listed Building. HED have formally objected under Policy BH 8 (a) *"the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired"* and BH 11 (a) *"the detailed design respects the listed building in terms of scale, height, massing and alignment"*. The size, mass, scale and siting of the new build accommodation to facilitate the hotel development is of concern to the Planning Department. The new bedroom wing measures approximately 110m in length, and together with the massing, scale and location of the function room, together with the lack of detail provided to demonstrate the level of intervention required to the existing listed buildings on site leaves the Planning Department unable to state that this is an appropriate level of intervention. The agent has been asked to provide working drawings to demonstrate the level of intervention on numerous occasions throughout the processing and has been reluctant to do so. This ultimately results in both HED and the Planning Department having insufficient detail to adequately weigh up the appropriateness of the level of intervention of this proposal and its impact on the listed buildings and the setting of the listed buildings.

The development consists of new build accommodation to accommodate 123 new bedrooms and a new function room together with alterations to the several listed buildings on site to accommodate restaurants, spa with pool area, arrivals area and backroom services/function areas. The function room while set back from the front elevation of the main block of the listed structure competes for attention when viewed for the landscaped gardens to the south. This function room together with the large expansion of the newbuild bedroom accommodation will also dominate views and obscure a significant view of the listed buildings structures within the courtyard when viewed from the existing disused entrance road to the south which is proposed to be the main entrance road within this proposal. The agent's letter dated Oct 2020 refers to the Function Room as a 'business in its own right'. Despite efforts to mitigate the adverse impact of this element, its footprint continues to exceed that of the main house. The latter is a neo-classical style house of cube-like form that sits as focal point in the landscape with attached range of outbuildings clearly subservient; this hierarchical arrangement must not be eliminated. The added bulk of the Function Room in such a prominent location is a major contributing factor in our concern that the proposed new-build in comparison to the existing building creates a sense of imbalance which ultimately detracts from the significance of the listed building and its setting.

The removal of the first-floor link is a significant improvement in enabling the visual relationship between the house and outbuildings to remain legible and for the new build elements to be easily reversible. However, refer to Figure 1, below – the amended first floor plan continues to include the removal of a large portion of the hipped roof between Yards 1 & 2 to provide two lifts in very close proximity, and a number of stores. HED have questioned the necessity for this accommodation in the current location. 1:50 detailed sections as previously described were requested to further assess this impact against policy BH 8 and were not forthcoming.



This will have a detrimental effect the character, setting and architectural interest of the existing listed buildings. It is for these reasons that the Planning Department believes the proposal is contrary to BH 8 (a), (b) and c) and BH 11 (a).

The Planning Department recognises that the only suitable areas for development given the site constraints are to the north, which is restricted in area for development, or to the west. However, this is to be balanced against the size, scale and proximity of development proposed. While we would differ from HED Monuments in our opinion that some accommodation to the west can be accommodated we recognised that there will be a significant scale of intervention within the historic park to accommodate the scale and mass of new build accommodation proposed, together with the ancillary development required for car parking. The sections submitted should the level of cut



and fill required to construct the car parking of approximately 2m in places and this together with the approximately 110m long curved block of new build accommodation will have a detrimental impact on the historic park and would be contrary to BH 6 of PPS 6.

The Planning Department in considering this proposal are mindful that the main building is currently fire damaged and of the economic impact that the proposal may have on the local and regional economy. To fully consider this material consideration, the Planning Department requested a detailed business case together with full costings of the renovations, alternations and new building accommodation. While the agent has request that this information is held in commercial confidence, the Planning Department have reviewed the information submitted and are not satisfied that the content of the information is sufficiently robust to give determining weight to it in our consideration of this case. The cost of renovations and alterations appear to be estimates given there are not working drawings, and the business case submitted would not appear to justify the level of new build proposed. At present the information we have to date would not justify the scale, size and massing of the proposed scheme in order to make the proposal financially viable. Therefore, the Planning Department cannot state that the proposal in terms of the mass, scale and size is necessary to result in a financially viable scheme. The Planning Department believe the scale, massing and size could be reduced and still result in a financially viable development. It is for this reason that the Planning Department will not give substantial weight to these economic considerations, as the scale of new build development proposed appears to be excessive and the business plan submitted does not robustly demonstrate otherwise.

#### Miscellaneous

The proposal has also been assessed against AMP 3 of PPS 3 as amended in PPS 21. This scheme proposed to utilise two existing access points onto the A2 protected route. This involves some interventions to the listed gates and pillars at the White-Water river entrance to allow for turning room for larger vehicles to access this site safely. HED have accepted the interventions required for road safety concerns and DfI Roads have no concerns in relation to the splays and radii proposed for the access. However, the proposal must be assessed against AMP 3 as amended in PPS 21. This amended policy states that for all other types of development considered under criteria d) of this policy that the proposed development must meet the principle of development in the rural area. This proposal has been found to not meet the principle of development in the rural area and therefore is also found to be contrary to criteria d) of AMP3 as amended.

The agent has submitted a drainage assessment in line with FLD 3 of PPS 15 Revised. This has been sent to Rivers Agency for their consideration. Rivers agency have assessed the Drainage Assessment and have advised that they are content with the content and have no reason to disagree with the conclusions within it. Therefore, the proposal meets the criteria of FLD 3.

A PEA was submitted together with a bat survey on the submission of the application. The Planning Department have consulted with NIEA on this documentation and they have advised the Planning Department that they are content with the conclusions and

mitigation measures proposed within it. Therefore, the Planning Department have considered all the material evidence submitted and NIEA response against policy NH 2 of PPS 2 and found that the proposal will not have a detrimental impact on a protected species and conditions will be attached if approval is forthcoming to protect the protected species found on site.

The Planning Department has consulted with SES to undertake a HRA on its behalf. This has been completed and The Planning Department formally adopt its conclusions as its own. 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 has also been assessed against the relevant policies of PPS 21 and NH 6 of PPS 2. The proposal is located in an enclosed woodland area which has limited views from public vantage points. The proposal would therefore not have public views unless the principal of a hotel development was approved. If this were the case then the access roads would become public vantage points, however we must base our recommendations on the current situation. Given the current vantage points the proposal would comply with CTY 8, CTY 13, CTY 14 of PPS 21 and NH 6 of PPS 2. However, as the principal of development has not been established it would remain contrary to CTY 1 and CTY 4 as outline above.

### **Refusal Reasons:**

The proposal is contrary to policies CTY 1, CTY 4 of PPS 21, paragraph 6.73 of the SPPS and BH 7 of PPS 6, in that the proposal if permitted would have a determinantal impact on the essential character, setting and appearance of the Listed Buildings of Mourne Park.

The proposal is contrary to Policies BH 6, BH 7, BH 8 a), b), c) & BH 11 (a) of PPS 6, in that the proposal if permitted would have a significant detrimental impact on the character, setting and appearance of Mourne Park Historic Park and the Mourne Park listed buildings and their curtilage by reason of the mass, scale, siting and design, alignment and height, materials and traditional architect details and techniques.

The proposal is contrary to policy AMP 3 in that the proposal does not meet the criteria for suitable development within the countryside.

**Case Officer Signature:** Jacqui McParland

**Date:** 26/01/2021

**Appointed Officer Signature:** Anthony McKay

**Date:** 27/01/2021



**1729: Deputation to NMDDC Planning Committee in support of LA07/2020/0788/F & LA07/2020/0843/LBC - 03 March 21**

Comments are noted relative to the headings contained in the Case Officer Reports dated 26<sup>th</sup> January 2021.

**1 Site Characteristics & Area Characteristics** (refer to slides 3 – 14 of presentation)

- Mourne Park House (MPH) suffered a devastating fire in 2013, gutting the building and rendering it both uninhabitable & unsafe.
- Post fire it remains as a ruin. With the building becoming uninhabitable, the grounds too have fallen into disrepair.

**2 Consultations** (refer to slides 15 of presentation)

- No statutory objections have been received on the proposals, other than from HED.
- HED advised in their consultation response dated 19<sup>th</sup> January '21 *"HED Historic buildings will request conditions should the council be minded to approve this application"*

**3 Representations** (refer to slides 16 – 19 of presentation)

- No public objections have been received on the proposals - quite the opposite, there has been unanimous local support.
- In particular, the proposals are not only supported by the electorate (as evidenced by the public PAN response), but are also endorsed by the Chamber of Commerce, local businesses such as Franklin Products and Greiner Aerospace, and the adjacent land users.

**4 Considerations – principle of development****4.1 Commentary under BH7 of PPS6** (refer to slides 20 of presentation)

- The change of use to a 5-star hotel will secure the future survival & upkeep of MPH, and as such is in accord with BH7 of PPS6.
- We believe that the suggestion that the proposal will have an impact on the setting, character & appearance of the listed building, is incorrect. The "before" & "after" verified view images of the proposal demonstrate that the proposal does not negatively impact on the setting, character & appearance of the listed building (which significantly is now an unsafe ruin)

**4.2 Commentary under PPS16 Tourism** (refer to slides 21 – 28 of presentation)

- The proposal satisfies the requirements PPS16 and CTY4, which allows for the reuse of rural buildings. HED have already noted in their consultation dated 03<sup>rd</sup> Aug '20 that *"there is no objection in principle to the proposed change of use to hospitality"*
- We believe that the suggestion that the proposal does not satisfy PPS16 due to i) scale & massing and ii) lack of clarity in relation to profitability is unfounded. The verified images & specification of natural materials identify appropriate scale; the self-imposed restrictions on height demonstrate appropriate massing; the profitability forecast was prepared by the chairman of the Invest NI backed Hospitality & Tourism Skills, a past president of the Northern Ireland Hotel Federation, and who is also the operator of the award-winning Grade B listed Bishop's Gate Hotel, (No2 hotel in the UK award 2019) & is conclusive.

**5 Considerations - Built Heritage**

- The proposals were amended during the application process in order to accommodate & reflect the commentary received from HED – reduction in function room size; reduction in bedrooms numbers; removal of a first-floor link area to the function room; repositioning of the bedrooms and function rooms; reduction in height of the bedroom wing; change in colour of function room external materials.

**5.1 BH7: Change of use** (refer to slides 29 – 35 of presentation)

- HED has identified that their own appraisal process is limited by the fact that they have no developed guidance Policy available to them by which they can consider the impact of financial viability on historic buildings. However financial viability is an over-riding aspect and primary reality of any scheme. If a proposed scheme does not stack up financially, it simply cannot be procured.
- BH7 identifies that the *"best viable use may not necessarily be the most profitable use."* We concur with this statement. The applicant has a passionate connection with this land, and at the outset, did not predetermine that the mechanism to salvage MPH would be a hotel development. She undertook a feasibility study (which was made available to Planning) so as to determine the available options. The outcome of the study identified that the ONLY financially viable use for the site was for a hotel of this size.
- It is also worthy of note that this proposed use is in fact safeguarding the future of the existing listed buildings. If this proposal does not proceed, all of the buildings (both listed and non-listed) at MPH will become lost forever. The proposed development safeguards the economic future of Mourne Park, whilst also providing much needed economic regeneration to the area.

**5.2 BH8: Extension to a Listed Building** (refer to slides 36 – 40 of presentation)

- The proposals for MPH have been in development by Grade 1 Conservation Architects, and represent four years of work. The applicant and agents have an intimate knowledge of the site. HED have spent approximately 1.5 hours on the site, the majority of which time was spent in discussion in one of the outbuildings. They then left the site to attend another meeting without having inspected the properties.
- We consider that the proposal allows that the "essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired", all in accord with BH8. Maximum attention has been paid within the application to retain whatever existing fabric can be retained, following from the devastating fire in 2013.
- The only salvaged material from the fire is stored in the Long Room. This was available for inspection whenever HED visited the site but they chose not to inspect it. Notwithstanding this, the material is full of dry rot. The application drawings clearly indicate historic fabric to be retained, historic fabric to be removed and new interventions and construction.

**5.3 BH11: Setting of a Listed Building** (refer to slides 41 – 46 of presentation)

- We have had to pay due regard to all of the aspects and criteria that impact upon the appropriate and successful development of this site. That process involves a careful balance of all parameters, and cannot concentrate on singular aspects. The scale of development at Mourne Park is what is required to achieve a successful outcome, and is the only available option. The application proposal responds to this challenge to create a scheme that is respectful to the setting and the existing, albeit dilapidated, structures.

- The verified views (from the exact vantage points requested by HED) clearly identify the limited impact that the proposed development has upon the setting of the existing structures.
- The new build elements of the proposed development respect the scale, height and massing of the existing elements. All new build elements are lower in height than the highest part of the existing structures. The tripartite massing of the existing house is reflected in the tripartite massing of the proposed new build elements.
- The proposed positioning of the function room in the application is both appropriate and correct. The suggestion to relocate the function room to the back of the site would technically negate the functional operation of the hotel facilities and trivialise this important element of the attraction. In any proposal for a five-star hotel, appropriate recognition must be given to the functions that will take place within the building, and the ability to maintain proper quality and service threshold.
- We would advise that the positioning of the function room within the proposed scheme as shown is critical and as such, it is not possible to relocate it. Notwithstanding this, and acknowledging that the principle of change of use has been accepted by HED, one must be mindful that the function of Mourne Park House shall change from a private residence to a publicly accessible five-star hotel. As such, the logical location and presentation of the function room as shown must also be accepted. It would not be appropriate to "hide" the function room to the back of the site.
- We note that the bedroom wing has deliberately been designed as a crescent form on plan so as to visually reduce the length of this section of the building. HED has acknowledged that this form also compliments the original curved site path as shown on the 1859 OS Mapping. One must acknowledge that seldom is any building viewed in true elevation format (as is the case in this instance), and to simply focus on its length in plan (as quoted by Planning) is misleading.
- Furthermore, as agreed with HED, the bedroom wing as presented has been shown sub-divided into three sub-sections to further minimise its impact.
- We would respectfully note our opinion that the addition of the proposed new elements does not dilute the significance of the existing structure. The size and scale of accommodation presented is the minimum required to be economically feasible. The alignment, orientation and positioning of the proposed massing as indicated is required to facilitate the orderly functioning of the hotel brief. These economic and functional principles cannot be compromised and are fundamental to facilitate a sustainable project.
- We consider that the alignment of the proposed new build element of the proposal provides a harmonious addition which is complementary to the existing structures and provides a balanced and considered intervention.
- High-quality natural material external finishes have been proposed to harmonise with what remains of the existing structures.

#### **5.4 BH6: Protection of Parks and Gardens (refer to slides 47 – 52 of presentation)**

- It is accepted by Planning that the only area available for appropriate development at Mourne Park is to the west of the existing structures. Great care has been taken not to impact upon the historic garden areas to the east. The proposed landscaping reinforces this existing contextual arrangement.
- It should be noted that the proposals will allow the special and beautiful east garden landscape to become accessible to the general public, whereas they are currently private grounds and not accessible to the public.
- HED have identified that the demesne contains 1,194 acres, and noted that the proposed development "would significantly alter the layout of the demesne and would adversely impact upon designed views and the integrity of the setting and character of the designed landscape". However, the development area of the application site is only 10.9 acres – less than 1% of the demesne. As such, we would consider the claim of "significant impact" is a somewhat cavalier statement. Careful consideration has been given to the siting, setting and arrangement of the new interventions, which only occur to the west of the existing outbuildings and north west of the fire damaged ruin.
- HED consultation has suggested a loss of mature woodland, which is totally incorrect. Within the vicinity of the development there are currently 232 mature trees. The submitted application involves the removal of only 12 trees. These trees are also currently in a poor state of health. Furthermore, the application proposes the addition of 340 new trees. As such, the application is in effect promoting and safeguarding the mature woodland of Mourne Park House. All trees that have been identified as containing protected habitats remain untouched, and neither SES nor NIEA have any objections to the proposals.
- The 2m development cut described in the Planning report is misleading, as this occurs over a tiny localised area only.

#### **5.5 Economic Detail (refer to slides 53 – 57 of presentation)**

- The economic statistics for the application have been determined by a specialist involved in hotel development (see 4.2 above) & are robust. The provided construction data contained only the summary sheets, as is normal in such presentations.
- The size of the scheme is comparable to other hotel developments as detailed in the Business Case Report (which accordingly provides direct evidence of sustainability volume) and cannot be reduced in size.

#### **5.6 AMP3 of PPS3: Access, Movement, Parking**

- The project complies with CTY1 - a community facility to serve the local rural population for which there is no existing facility that can meet this need. It is considered that the detail above identifies that the design standards set out in PPS 21 are indeed met.
- The project complies with CTY4 - the re-use and refurbishment of a locally important building, where this would secure the retention and upkeep of the building. It is considered that the detail above identifies that the design standards set out in PPS 21 are indeed met.

#### **6 Summary (refer to slides 58 – 64 of presentation)**

- The proposed development at MPH is supported by the local electorate and business communities.
- The proposal provides public access to a historic garden, (to which they currently have no access) and safeguards its survival.
- During construction the proposal will create 430 construction jobs and 120 long term jobs thereafter
- Currently NMDDC area has no 5-star hotel facility and attracts only 9% of NI tourist trips. This proposal has the potential to bring £30M to the local economy, and will be a huge economic benefit to the Council area & N.Ireland.

# Mourne Park

## HOUSE

### Kilkeel, County Down

Deputation to Newry, Mourne and Down District Council  
Planning Committee  
in support of application LA07/2020/0788/F &  
LA07/2020/0843/LBC

Wednesday 10<sup>th</sup> March 2021



mullarkey pedersen architects



# Presentation Overview

- 1.0 Site Characteristics
- 2.0 Consultations
- 3.0 Representations
- 4.0 Considerations – principle of development
  - 4.1 Commentary under BH7 of PPS6
  - 4.2 Commentary under PPS16 Tourism
- 5.0 Considerations - Built Heritage
  - 5.1 BH7: Change of Use
  - 5.2 BH8: Extension to a Listed Building
  - 5.3 BH11: Setting of a Listed Building
- 6.0 Development Summary



MOURNE PARK HOUSE  
HOTEL & SPA  
ANNUAL REVENUES OF  
**£9.7 MILLION**  
EMPLOY **120**  
**£3.5M** PAYROLL  
ANNUAL CHURN SPEND **£1.7M**



# 1.0 Site Characteristics



Mourne Park Demense



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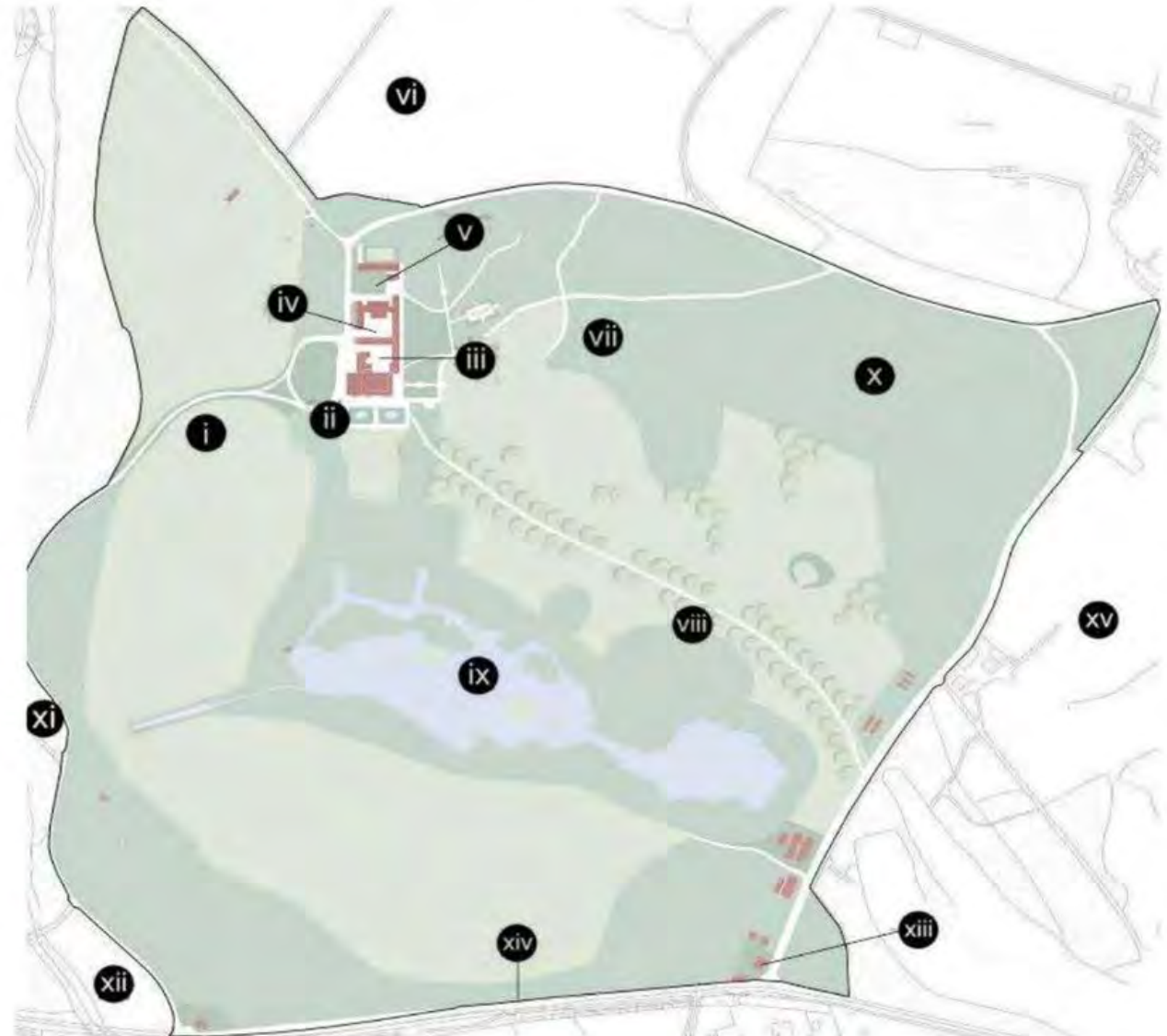




# 1.0 Site Characteristics

27

- i. Entrance Driveway
- ii. Mourne Park House
- iii. Yard 1
- iv. Yard 2
- v. Yard 3 & Gardener's House
- vi. View towards Knockree
- vii. Gardens
- viii. Jubilee Drive
- ix. Lake
- x. Threegate Wood
- xi. White Water River
- xii. White Water Gate Lodge
- xiii. Green Gate Lodge
- xiv. Famine Wall (Newry Rd)
- xv. Kilkeel Golf Club



THE CONSTRUCTION PROCESS  
WILL EXCEED £30 MILLION  
TO THE LOCAL ECONOMY



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# 1.0 Site Characteristics & Area Characteristics

## Historical Background

28



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# 1.0 Site Characteristics & Area Characteristics

## Historical Background

29

### KEY

	1806
	1820
	1859
	1892
	1904
	1919-21



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# Current Condition of Mourne Park House

30



**EXISTING ARCHITECTURAL DETAILING & FEATURES OF SPECIAL INTEREST TOTALLY DESTROYED**



THE CONSTRUCTION PROCESS  
WILL SAVE TENS OF THOUSANDS  
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**CREATING  
430  
CONSTRUCTION JOBS**



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# Current Condition of Mourne Park House



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# Current Condition of Mourne Park House



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# Current Condition of Mourne Park House





# Current Condition of Mourne Park House

35



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# Current Condition of Mourne Park House



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# Current Condition of Mourne Park House

37



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## 2.0 Consultations

- DfI Roads: **No Objections**
- NIEA: **No Objections subject to conditions**
- SES: **No objections**
- Water NI: **No objections**
- Environmental Health: **No objections**

- HED Monuments: **Objection**
  - HED Listed Buildings: **Objection**
- but**

*“HED Historic buildings will request conditions should the council be minded to approve this application” \**

*\*HED Consultation Response 19 January 2021*



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## 3.0 Representations

### UNANIMOUS PUBLIC SUPPORT FROM COMMUNITY CONSULTATION

“The design and scale of the intended works is fantastic and I truly believe that it will be a **game changer to our area**, bringing a completely different clientele to Kilkeel and the surrounding area.”

“The Mourne Park House project will **generate a lot of interest, excitement and support from the local community.**”

**ALAN KNOX, PRESIDENT OF KILKEEL CHAMBER OF COMMERCE**



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## 3.0 Representations

“Franklin Products **very much welcome the successful development of Mourne Park House.**”

Franklin Products is a US company manufacturing cushions, dress covers and furnishings for the aerospace industry. The Kilkeel facility is one of the top suppliers to Collins Aerospace Kilkeel.

“It would be a **perfect base for visiting US personnel and guests.** We regularly have US people here for seat testing reviews etc. so Mourne Park House would be the **ideal location for their visits.**”

**EUGENE MCCANN OF FRANKLIN PRODUCTS**



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## 3.0 Representations

41

“The development at Mourne Park would be **a huge asset** to the area. We are an **international company** continually bringing in customers and executives to visit and this type of accommodation would be **exactly what they would be looking for**. I believe it would be a **massive boost to tourism** in the area.”

**FRANK REILLY FROM GREINER AEROSPACE KILKEEL**



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## 3.0 Representations

“The golf club have hosted **many championships**, which include the Women’s Home Internationals and **accommodation is always a problem.**”

“**Kilkeel Golf Club fully supports the project.** The club intends on hosting majors in our centenary year (2022) with potential visiting golfers **requiring accommodation close to the course.**”

“Would be lovely to have a hotel in the grounds of Mourne Park.”

**MAIRE MCKIBBIN, HON. SECRETARY OF KILKEEL GOLF CLUB**





# 4.0 Considerations – Principle of Development

## 4.1 BH7 PPS6 CHANGE OF USE OF A LISTED BUILDING

The Department will normally permit the change of use of a listed building where this secures its **upkeep and survival** and the **character and architectural or historic interest** of the building would be **preserved or enhanced**.

Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.



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# 4.0 Considerations – Principle of Development

## 4.2 PPS16 TOURISM

“There is **no objection in principle to the proposed change of use to hospitality**. Mourne Park House suffered from fire damage in 2013 and has been left vacant and unsafe since.”

*HED consultation 19<sup>th</sup> January 2021*

Proposals to ensure the ongoing viability and upkeep of these important listed buildings have been welcomed by HED.



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## 4.2 PPS16 TOURISM

45



VERIFIED VIEW A –SOUTH WEST APPROACH - **BEFORE**



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## 4.2 PPS16 TOURISM

46



VERIFIED VIEW A – SOUTH WEST APPROACH - **AFTER**



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## 4.2 PPS16 TOURISM

47



VERIFIED VIEW B – SOUTH EAST APPROACH - **BEFORE**



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## 4.2 PPS16 TOURISM



VERIFIED VIEW B – SOUTH EAST APPROACH - **AFTER**



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## 4.2 PPS16 TOURISM

### Business Plan Credentials

The Business Case Plan has been prepared by Ciaran O Neill, Director of LCMA Hotels Consultancy and Managing Director of Bishops Gate Hotel Derry. He is currently Chairman of the Invest NI backed Hospitality and Tourism Skills, and past President of the Northern Ireland Hotel Federation.

Bishops Gate Hotel previously known as The Northern Counties Club was a **Grade B1 listed building** which was **vacated in 2006**, after which time the entire structure fell into **disrepair** and the survival of the iconic structure was in **jeopardy**.

After lying derelict for over a decade, the former Northern Counties Club, re-opened as 'The Bishop's Gate Hotel', which was the first project in the UK to be completed under the Heritage Lottery Fund 'Heritage Enterprise' grant scheme.

### THE HOTEL **WON MULTIPLE INDUSTRY AWARDS** WITHIN 12 MONTHS OF OFFICIAL OPENING

- Georgina Campbell Hospitality Guide **'Hideaway of the Year'**
- **2017 & 2019 TripAdvisor** Travellers' Choice awards - Named the **no. 2 hotel to visit in UK**
- Northern Ireland Hotels Federation **'Most Promising' Hotel**



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# Bishops Gate Hotel Restoration

50



After



Before



After



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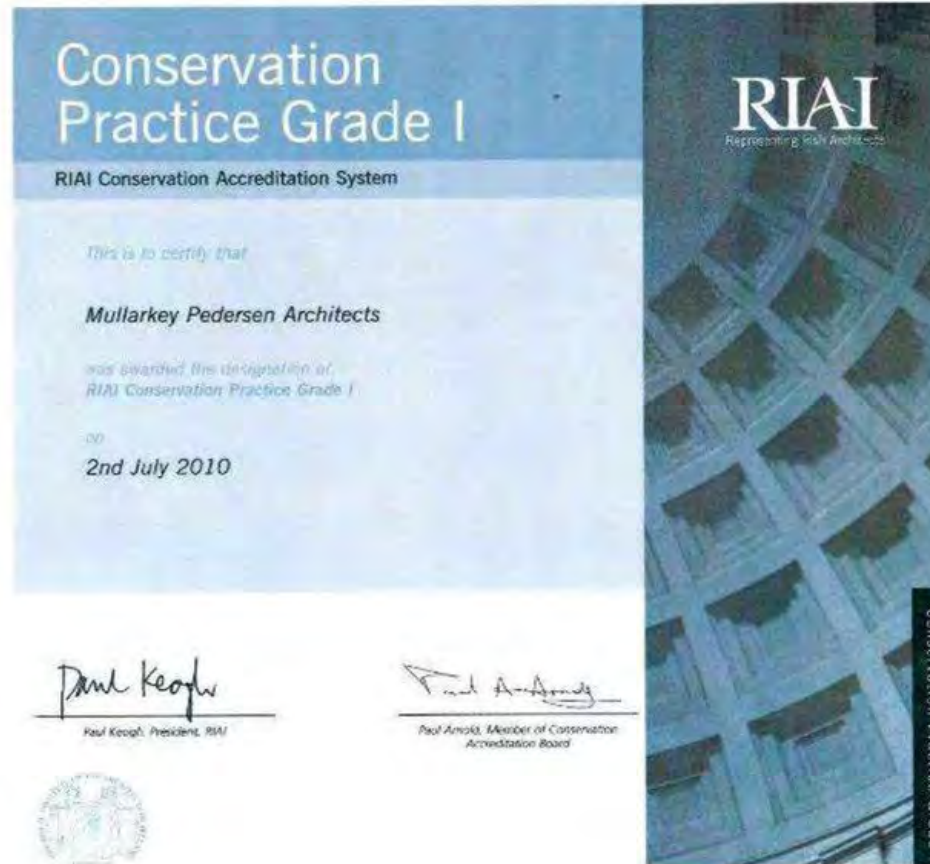
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## 5.0 Considerations – Built Heritage

The project has been designed by award winning Grade 1 Certified Conservation Architects.





## 5.0 Considerations – Built Heritage

### 5.1 BH7 CHANGE OF USE

“There is **no objection in principle to the proposed change of use to hospitality**. Mourne Park House suffered from fire damage in 2013 and has been vacant since; the yards and outbuildings also appear to be unused.

Proposals to ensure the ongoing viability and upkeep of these important listed buildings are therefore welcomed, subject to compliance with BH8 and BH11 of PPS6 and paragraphs 6.12 & 6.13 of SPPS.” \*

\* HED consultation 3<sup>RD</sup> August 2020

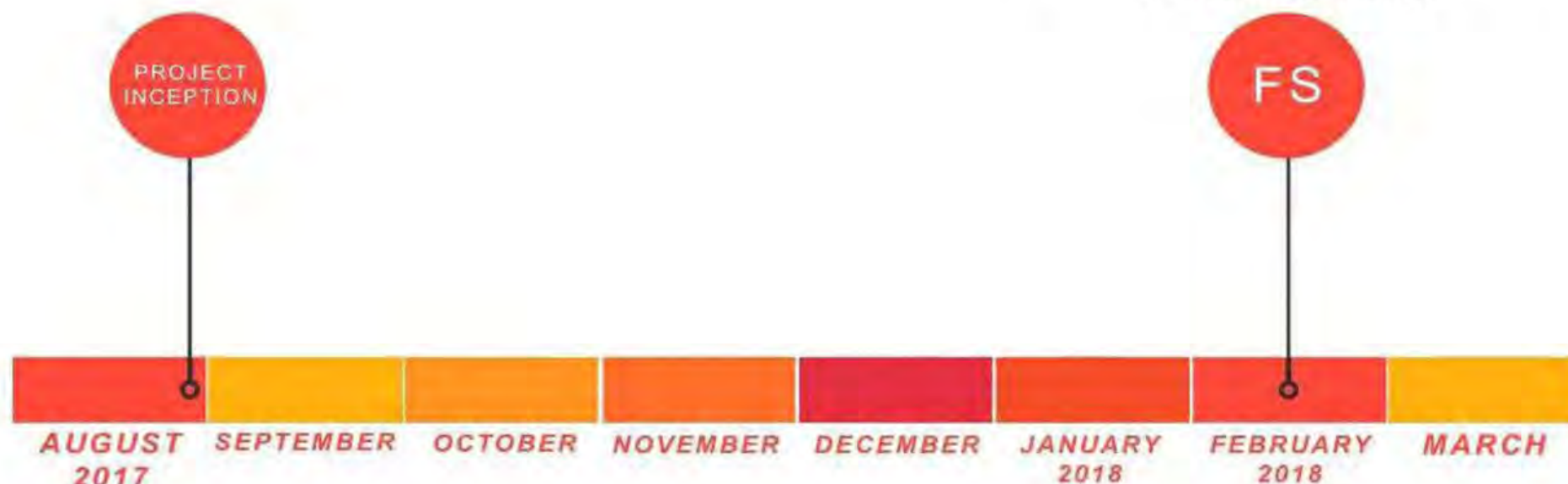


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# 5.1 BH7 CHANGE OF USE

*Mullarkey Pedersen Architects  
presented completed Project  
Feasibility Study*



The feasibility Study determined that the only economically viable redevelopment option for Mourne park is the conversion of Mourne Park House from a fire damaged ruin to a five star hotel and spa.

Without the proposed interventions, the entire restoration and redevelopment project cannot proceed. This would then result in the entire loss of Mourne Park House and its setting.



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## 5.1 BH7 CHANGE OF USE



Between April 2018 and April 2019, Mullarkey Pedersen Architects developed a considered scheme which was a carefully balanced proposal, based upon the specifics of the site; the existing structures contained therein; and the functional pragmatics of hotel design.



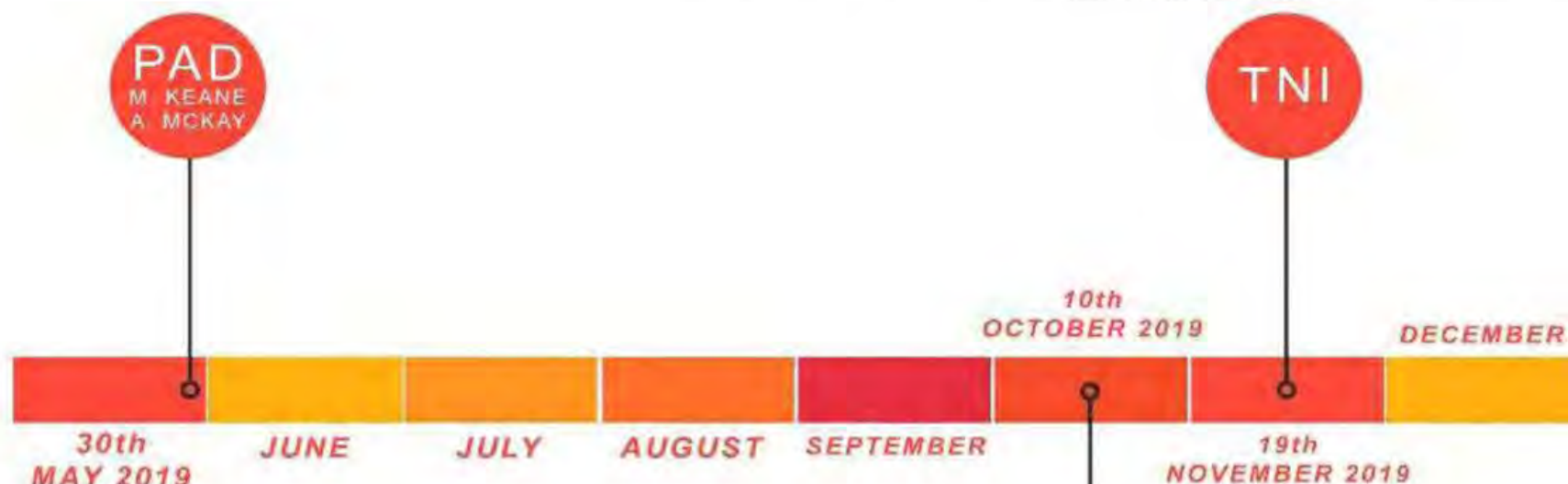
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# 5.1 BH7 CHANGE OF USE

56

*NMDDC held hosted PAD meeting with TNI and Design Team to discuss PPS 3 Access, Movement and Parking. Extent of additional information required agreed for resubmission.*



*MPA received a formal response letter from NMDDC with consultee responses. TNI suggested having an office meeting to discuss the proposals while HED provided a written response.*



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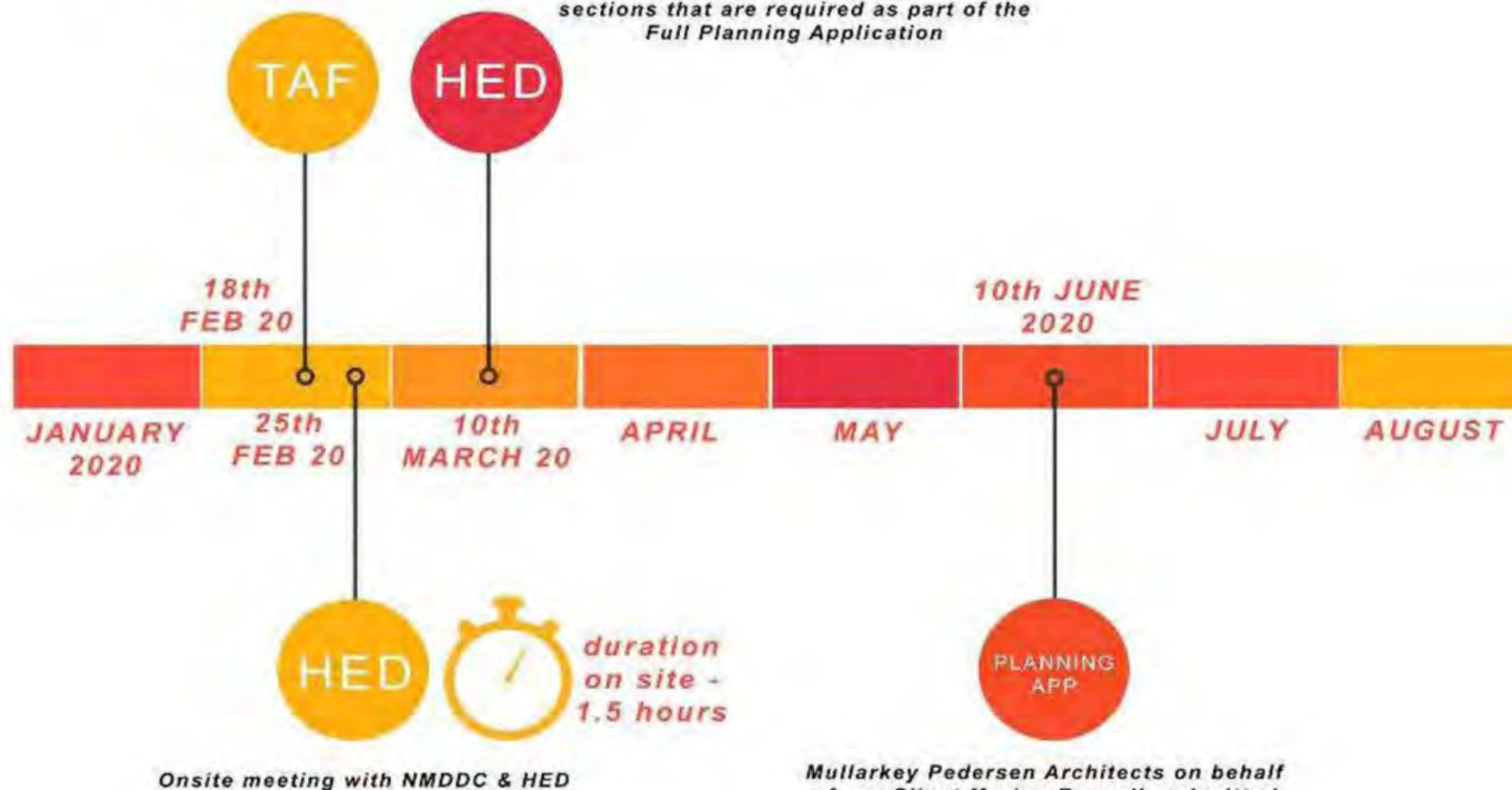




# 5.1 BH7 CHANGE OF USE

MPA submitted a completed Transport Assessment Form (TAF) and updated access drawings to NMDDC for their consideration ahead of the Full Planning Application

HED emailed MPA their summary of the meeting and identified verified views and existing and proposed sections that are required as part of the Full Planning Application



Mullarkey Pedersen Architects on behalf of our Client Marion Russell, submitted Full Planning Application and Listed Building Consent Application for the proposed development of a new luxury hotel and spa at Mourne Park House

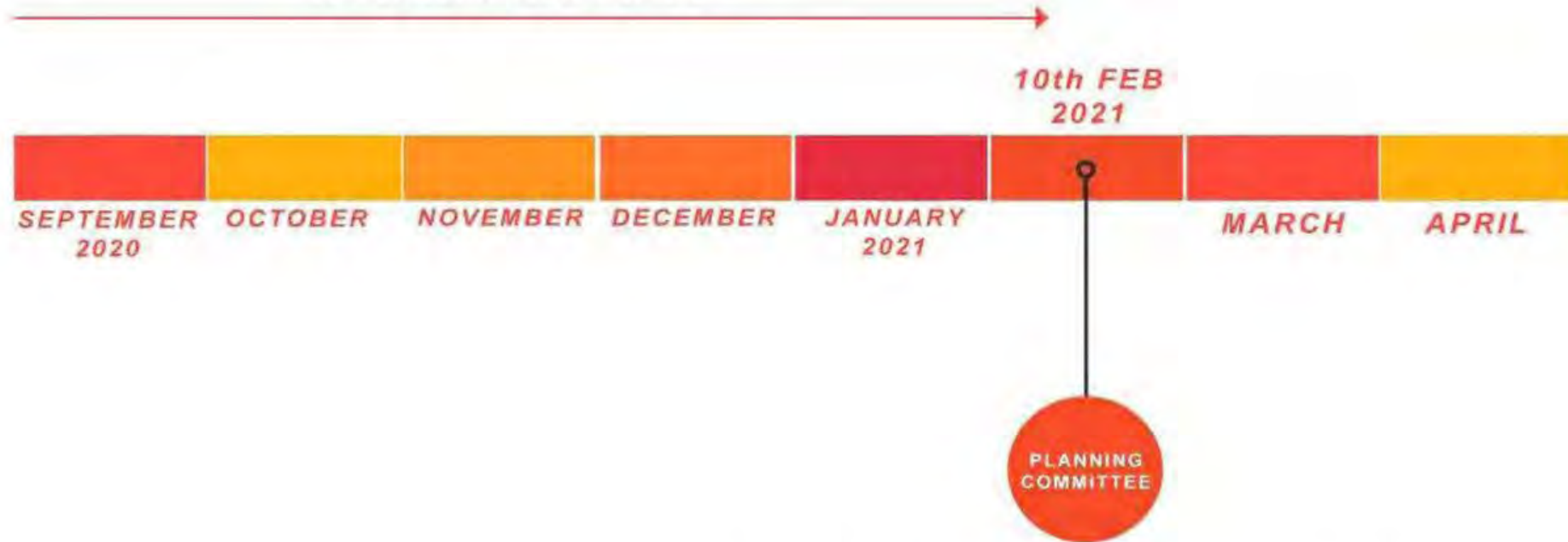


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# 5.1 BH7 CHANGE OF USE

## CONSULTATION RESPONSES **NO OBJECTIONS** OTHER THAN HED



## NMDDC PLANNING COMMITTEE MEETING



MOURNE PARK HOUSE  
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## 5.2 BH8 EXTENSION TO A LISTED BUILDING

### PPS 6 – POLICY BH 8 EXTENSION OR ALTERATION OF A LISTED BUILDING

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:

- the **essential character** of the building and its setting are **retained** and its **features of special interest remain intact and unimpaired**;
- 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
- the **architectural details** (e.g. doors, gutters, windows) **match or are in keeping with the building**.



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## 5.2 BH8 EXTENSION TO A LISTED BUILDING

60

A sufficiency of information has been provided to HED to allow them to adequately assess the application, and in line with similar schemes previously approved by HED.

Existing floor plan showing existing **historical fabric** to be retained.

**Surviving** features of special interest to remain intact and unimpaired.

### ALTERATIONS KEY

-  HISTORIC FABRIC TO BE RETAINED
-  HISTORIC FABRIC TO BE REMOVED
-  NEW INTERVENTIONS & CONSTRUCTION



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## 5.2 BH8 EXTENSION TO A LISTED BUILDING

61



**EXISTING ARCHITECTURAL DETAILING & FEATURES OF SPECIAL INTEREST TOTALLY DESTROYED**



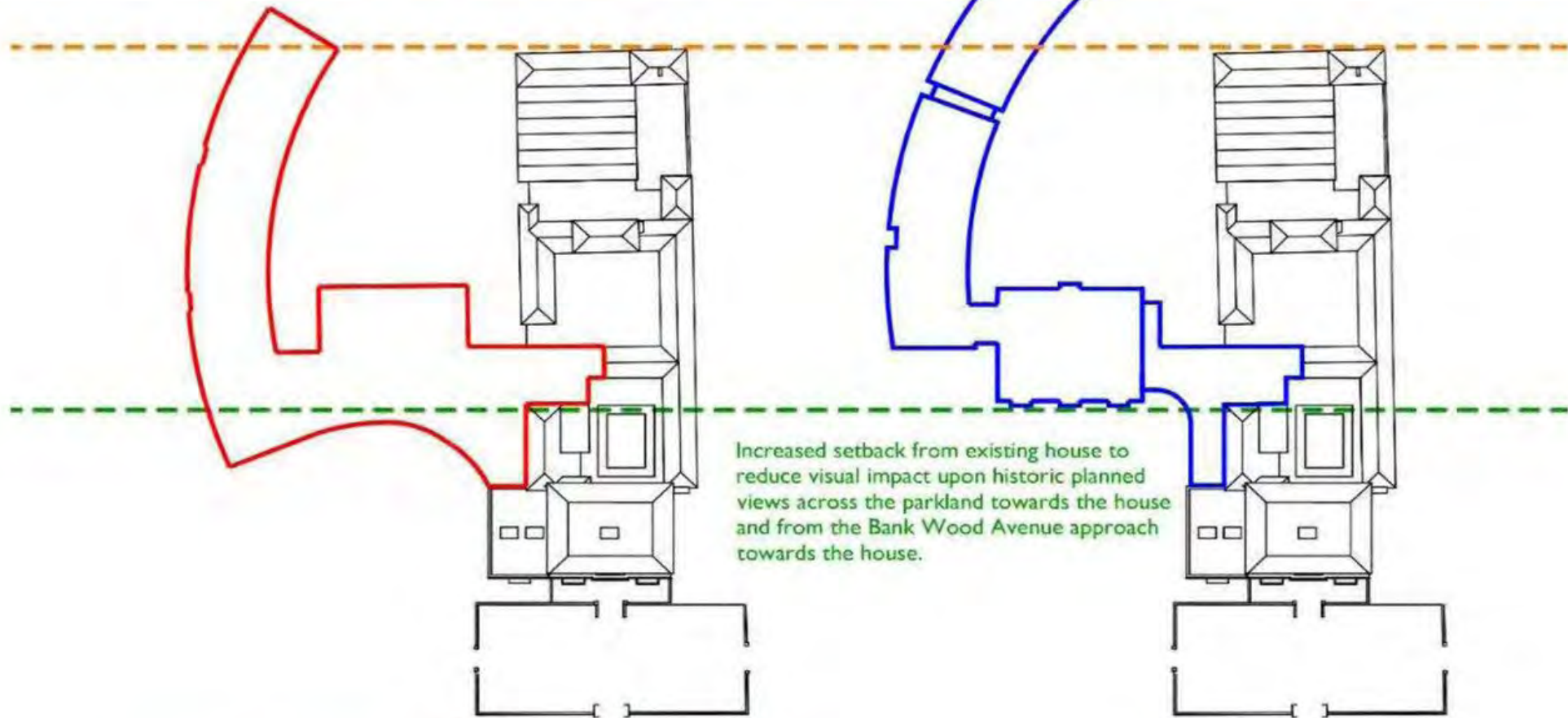
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## 5.2 BH8 EXTENSION TO A LISTED BUILDING

Reduced height of the bedroom form in current application has increased its length further north to provide the required accommodation. However the massing has been deliberately 'sunk' in to the landscape in line with the demesnes original design intention.



Increased setback from existing house to reduce visual impact upon historic planned views across the parkland towards the house and from the Bank Wood Avenue approach towards the house.

Outline of Pre Application Discussion Application - 04th June 2019

Outline of Current Application



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## 5.2 BH8 EXTENSION TO A LISTED BUILDING



**SOUTH ELEVATION**

*South Elevation from Current Application*



**Red shading indicated original proposal**

**SOUTH ELEVATION**

*South Elevation from Current Application with outline of PAD application dated 04th June 2019 overlayed*



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WILL CREATE 430 JOBS  
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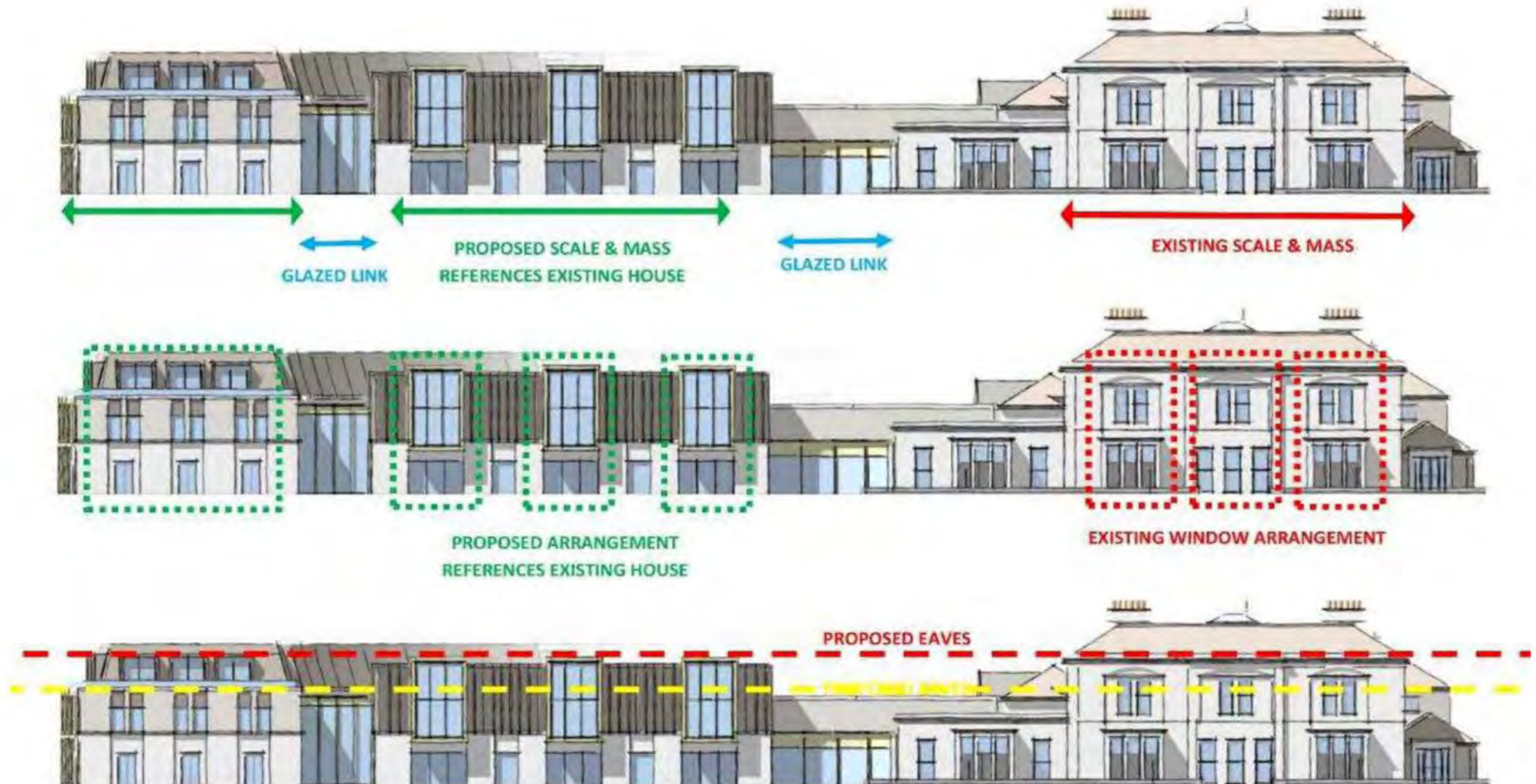


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# 5.3 BH11 SETTING OF A LISTED BUILDING



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## 5.3 BH11 SETTING OF A LISTED BUILDING



VERIFIED VIEW A –SOUTH WEST APPROACH - **BEFORE**



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## 5.3 BH11 SETTING OF A LISTED BUILDING



VERIFIED VIEW A – SOUTH WEST APPROACH - **AFTER**



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## 5.3 BH11 SETTING OF A LISTED BUILDING

67



VERIFIED VIEW B – SOUTH EAST APPROACH - **BEFORE**



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## 5.3 BH11 SETTING OF A LISTED BUILDING



VERIFIED VIEW B – SOUTH EAST APPROACH - **AFTER**



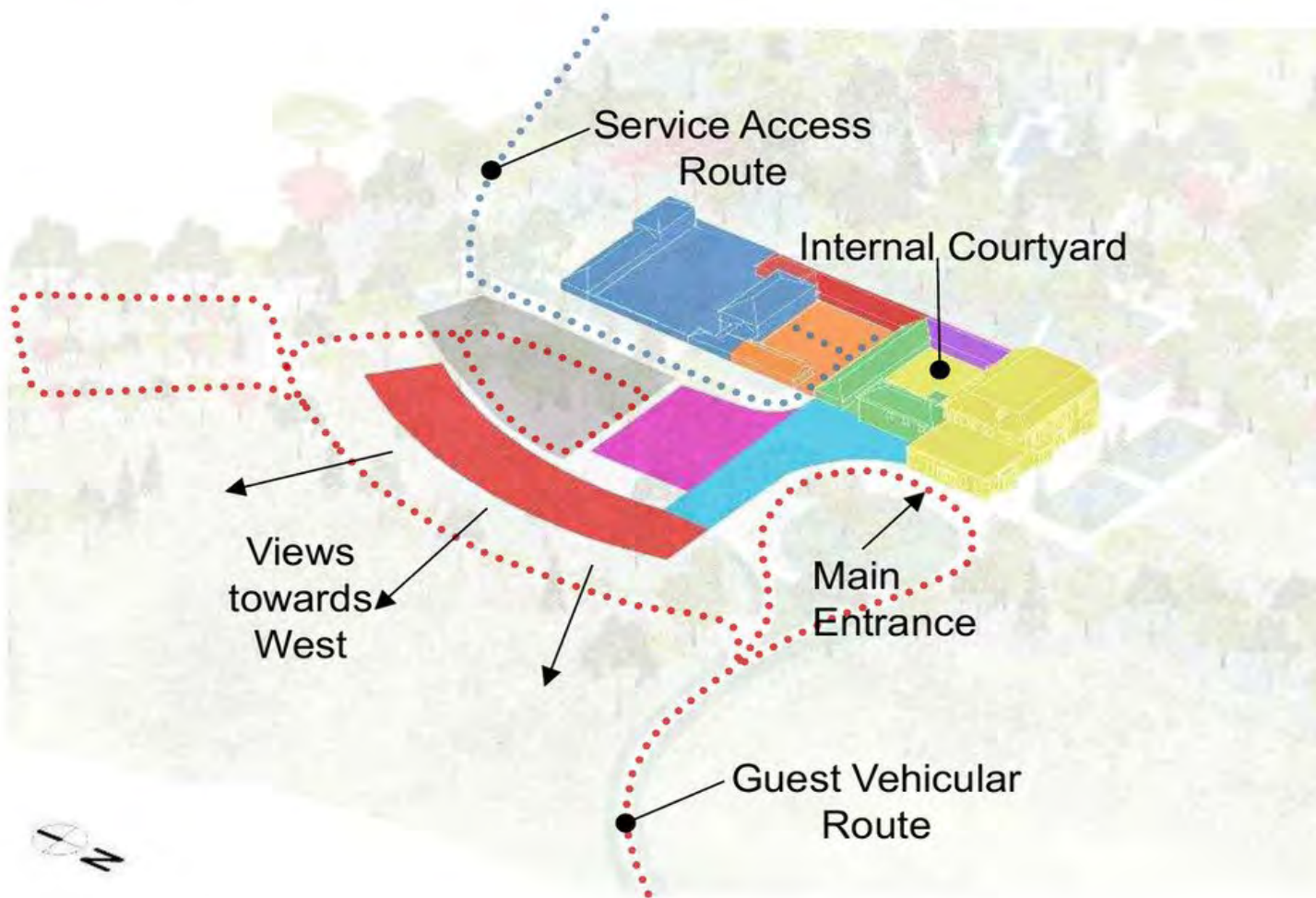
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## 5.3 BH11 SETTING OF A LISTED BUILDING

69



-  Main House – Restaurant / Bar
-  Bedrooms
-  Spa
-  Kitchen / Back of House
-  Function Room
-  Foyer / Bar
-  Service Yard
-  Conference Suites
-  Car Park

### Proposed Zoning



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## 5.4 BH6 PROTECTION OF PARKS & GARDENS

70



### OPENING OF HISTORIC GARDENS



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# 5.4 BH6 PROTECTION OF PARKS & GARDENS



It is accepted by Planning that the only available area for appropriate **development** is **to the west** of the existing structures. Great care has been taken not to impact upon the **historic gardens to the east.**



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## 5.4 BH6 PROTECTION OF PARKS & GARDENS



### OPENING OF HISTORIC GARDENS

The proposals will allow the special and **beautiful east garden** landscape to become accessible to the **general public**, whereas they are **currently** private grounds and **not accessible** to the public.



MOURNE PARK HOUSE  
HOTEL & SPA  
ANNUAL REVENUES OF  
**£9.7 MILLION**  
EMPLOY **120**  
**£3.5M** PAYROLL  
SUPPLY CHAIN SPEND **£1.7M**



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## 5.4 BH6 PROTECTION OF PARKS & GARDENS



HED have identified that the domain contains **1,194 acres**.

The development area of the application site is only **10.9 acres**.

**LESS THAN 1% OF THE DEMESNE.**

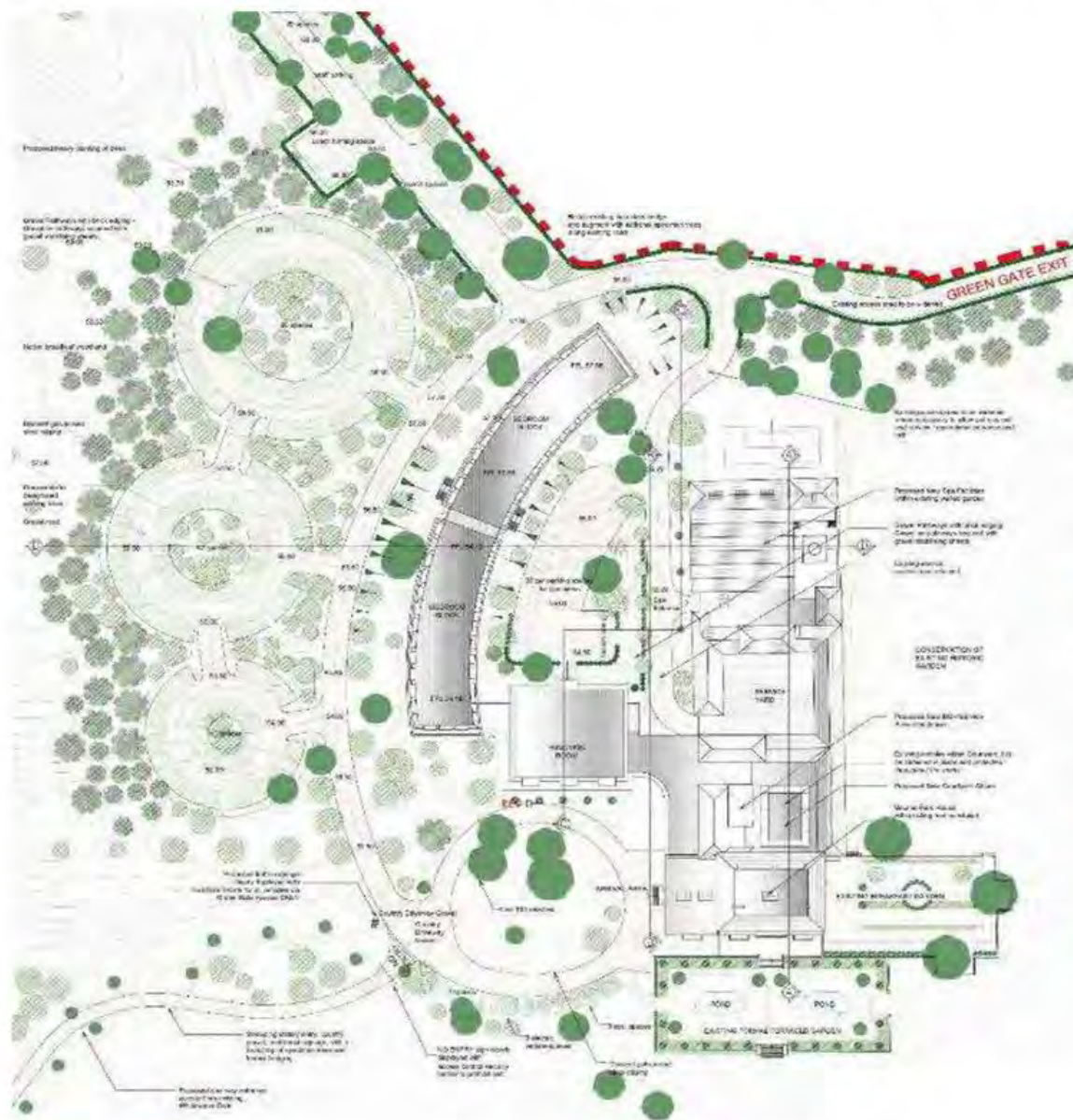


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## 5.4 BH6 PROTECTION OF PARKS & GARDENS



Within the development area there are **currently 232 mature trees.**

The submitted application involves **only the removal of 12** – of which many are in a poor state of health.

**The application proposes the addition of 340 new trees.**



CREATING  
**430**  
CONSTRUCTION JOBS



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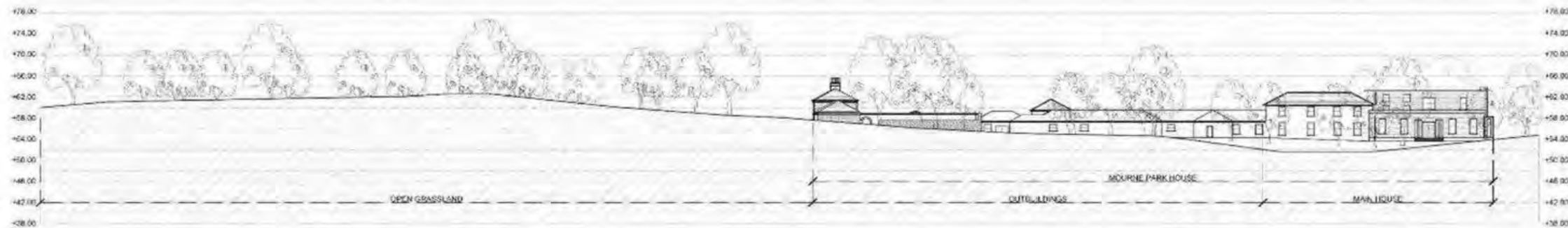
# 5.4 BH6 PROTECTION OF PARKS & GARDENS

Red hatch – existing ground to be removed

Trees shown in red outline to be removed



PROPOSED SITE SECTION WW - THROUGH PROPOSED CAR PARK AREA



EXISTING SITE SECTION WW - THROUGH PROPOSED CAR PARK AREA



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## 5.5 ECONOMIC DETAIL

The proposal for a 5 star, 123 bedroom hotel at Mourne Park is to develop a “destination hotel” i.e. a place to stay that is the reason for visiting a country or area because it is special or provides many services or activities. It is envisaged that this property will attract high end visitors for a variety of leisure and business reasons contributing to a sustainable business model. This will be **an important, valuable piece of tourism infrastructure for the NMD area. It will provide a reason for visitors to come, stay and spend in the area.** It will provide NMD with a property with unique, attractive facilities which it has lacked to date, enabling the area to become more attractive to visitors.

Target Markets:

- Golf
- Weddings
- Spa
- Heritage Gardens
- Fishing
- Experiential Tourism
- Special Events/Meetings/Conferences



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## 5.5 ECONOMIC DETAIL

### Key features Identified in the Economic Appraisal

123, 5 star bedrooms

Two restaurants

128 seater main restaurant for residents

112 seater courtyard restaurant

220 seater function room and 120 seater pre-function room.

5 meeting rooms

Spa – 7 treatment rooms (room to add 3 more), pool and relaxation area

160 acre estate with heritage gardens and river (fishing potential)



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## 5.5 ECONOMIC DETAIL

### Competition

NI Hotels - Hotels in NI in the 4/5 star category with some similarity to the proposed Mourne Park hotel are as follows;

Hotel	Location	Star rating	No. of Rooms	Spa	Unique Selling Points
Lough Erne	Fermanagh	5	120	Yes *	Nick Faldo designed golf course and celebrity chef
Slieve Donard	Newcastle	4	180	Yes*	Next door to Royal County Down Golf course. Overlooking Mourne and beach
Galgorm	Ballymena	4	124	Yes*	Thermal village Spa. Large multi location wedding capacity (up to 3 at a time)
Killeavy Castle	Near Newry	4	51	Yes	200 acre grounds. Historic castle. Next to Slieve Gullion and Ring of Gullion
Killyhevlin	Enniskillen	4	71	Yes	Loyal customer base. Overlooking Lough Erne.
Manor House Hotel	Enniskillen	4	78	Yes	Loyal customer base. Overlooking Lough Erne
Dunadry Hotel	Antrim	4	79	Planned	Riverside location, gardens and close to airport

\*These spas would be considered large and market leading.

It is notable that these are all rurally located, independently owned and operated. They all operate in similar markets to those proposed for the Mourne Park Hotel.

Canal Court Hotel in Newry would also be considered a competitor for local business. It is 4 star with 110 bedrooms. However it is a city centre property so its overall market positioning is significantly different from what is planned for Mourne Park.

County Louth – County Louth in ROI, is NMD's closest competitor and is a well-established tourism region





## 5.5 ECONOMIC DETAIL

### Original Development Timetable:

Appoint Contractor	July 2021
Move on Site	August 2021
Complete Building Works	December 2022
Interior fit-out period	October 22 – Feb 23
Site Works Completed	December 2022
Commissioning Period	February 2023 – March 2023
Complete Project Programme	March 2023
Building Handover	March 2023
<b>Hotel Opening Date</b>	<b>April 2023</b>



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## 5.5 ECONOMIC DETAIL

80

### TOURISM IN NEWRY, MOURNE AND DOWN COUNCIL AREA (NMD)

NMD is **NOT FULFILLING ITS ECONOMIC TOURISM POTENTIAL** having **ONLY 6%** of the total hotel stock in Northern Ireland.

NMD accounts for **ONLY 8% OF NI TOURISM SPEND.**

NMD Visitors are spending considerably less per trip than the NI average.  
**NMD IS RANKED 8<sup>TH</sup> OF 11 COUNCIL AREAS IN SPEND PER TRIP.**



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## 5.5 ECONOMIC DETAIL

### COVID RECOVERY

NI Tourism performance showed **notable growth from 2016 to 2019**

- 5.3m visitors to NI – up by 18% (£4.5m 2016)
- £1bn spend – up by 23% (£850m 2016)

### COVID - 19

The hospitality sector has had an extremely difficult year due to the pandemic.

However, it is anticipated that regional Tourism will **recover quickly when conditions allow.**

### MOURNE PARK HOUSE CAN BE THE CATALYST FOR COVID - 19 RECOVERY



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## 6.0 Development Summary



The **proposed application** would see the **rescue, restoration and redevelopment** of the historic listed buildings within Mourne Park.

**Without this** intervention, the entire site would continue to **degrade rapidly to its ultimate demise.**



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## 6.0 Development Summary

83

No Statutory Consultee objections other than HED

HED stated in their consultation response dated 19<sup>th</sup> January 2021 that...

“There is **no objection in principle to the proposed change of use to hospitality.** Mourne Park House suffered from fire damage in 2013 and has been left vacant and unsafe since” and that ***“HED Historic buildings will request conditions should the council be minded to approve this application.”***

**HED HAVE CONFIRMED THAT THEY HAVE NO GUIDANCE POLICY AVAILABLE TO THEM TO CONSIDER THE FINANCIAL VIABILITY OF PROJECTS CONNECTED WITH HISTORIC BUILDINGS, AND AS SUCH HAVE NO ABILITY TO ASSESS SUCH APPLICATIONS UNDER THIS CRITERIA**



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## 6.0 Development Summary



Supported by local electorate and business communities.



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## 6.0 Development Summary



### OPENING OF HISTORIC GARDENS

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## 6.0 Development Summary



Generation of local income by attracting high end golfers. In 2017 it was £39.9m, approximately 123,000 golfers visited NI, spending £2000+per trip. In addition, 60% visit a tourist attraction whilst on their golfing trips. For every **£1 spent on green fees £4 is spent elsewhere** in the economy.



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## 6.0 Development Summary



CREATING  
**430**  
CONSTRUCTION JOBS



CREATING  
**430**  
CONSTRUCTION JOBS

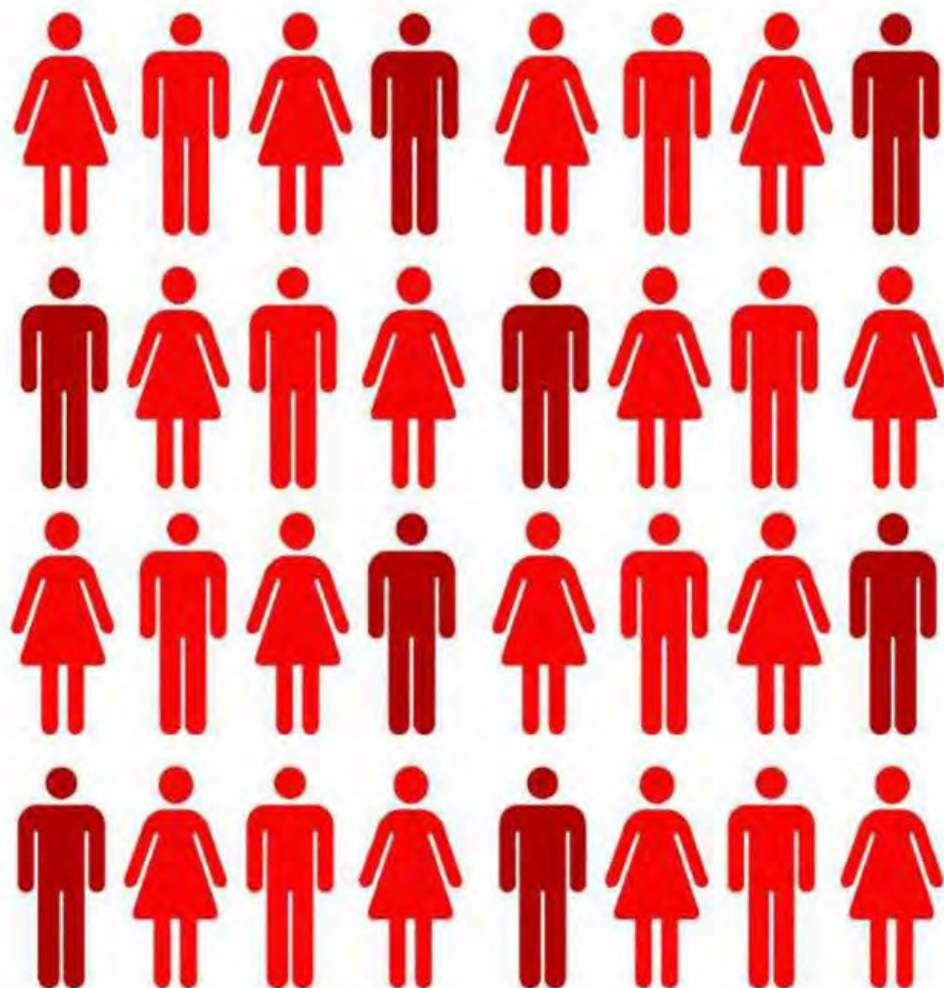


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## 6.0 Development Summary



### MOURNE PARK HOUSE HOTEL & SPA

ANNUAL REVENUES OF

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CREATING  
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## 6.0 Development Summary

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Comhairle Ceantair  
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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0843/LBC

**Date Received:** 15.06.2020

**Proposal:** Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance.

**Address:** Mourne Park House, Mourne Park, Kilkeel, Newry

#### **Site Characteristics & Area Characteristics:**

Mourne Park house and outbuildings comprise of a double pile/ three bay house with two storeys to front, and three to rear, and two-storey kitchen block abutting NW corner. The main building was largely destroyed by fire in May 2013. It faces to south in a large mature demesne, with three yards of outhouses to rear (HB16/05/009B) and gardener's house behind (HB16/05/009C). The buildings were constructed in the early 19th century in origin but were much altered and extended in the early 20th century. Prior to the fire the buildings had a hipped natural slate roof with flat central leaded section, deeply overhanging eaves to main façade, with timber sheeted soffit and decorated rafter tails to remaining elevations. Abutting to ground floor left is the south elevation of the single storey (billiard room) extension. The porch is c.1900 in style and has a pitched corrugated metal roof. The setting to the front of the house is a three-stage terrace with central linking steps between levels. There is a raised paved area in front of the house, and beyond this a lawned section enclosed by a low granite wall and containing an ornamental pond on either side of a central pathway. Steps link with the lowest terrace, also lawned. All paths have been formed using large concrete blocks. The right elevation has a lawned garden enclosed by a low granite wall to three sides and contains a sundial and a low, rock faced family mausoleum. Beyond, to NW, is a large garden with mature yews, paths and a pergola with concrete block path at the end of which is a pair of wrought iron gates c.1890 leading to a concrete swimming pool which is enclosed by a hedge. The left elevation provides main entrance and has a loop of



gravel driveway, with lawns to the centre and edges. Beyond to all sides the domain has picturesque garden to far right with statuary and pergola etc. The lake to south of house is now mostly silted up.

A series of three yards aligned S-N to north of house (HB16/05/009A) and formed by single storey outbuildings. Each yard is accessed from a lane running up the outside of the west wall.

The demesne, founded in the 17th century, was largely created in its present form in the early 19th century. It covers 1,194 acres (484ha), largely walled and including the mountain behind the house; the present registered area, which excludes the golf course of 112 acres (43ha) in the south-east, extends to 1,082 acres (438ha). The demesne park, enclosed behind a twelve-foot-high granite wall, occupies a remarkably fine site on the south facing slopes of Knockchree (Hill of the Deer) Mountain.

### **Site History:**

P/2003/0865/LB - Mourne Park House, Mourne Park, Ballyrogan, Kilkeel, Co Down, BT34 4LB - Removal of statue known as Ulysees and his dog. – Granted 25.07.2003  
P/2003/1757/LB - Mourne Park House, Mourne Park, Kilkeel, Co.Down, Townland of Ballyrogan - Proposed removal of statue known as Francis Jack The Second Earl of Kilmorey Refused and Appeal Dismissed. 11.01.2005

### **Planning Policies & Material Considerations:**

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge & Newry and Mourne Area Plan 2015
- PPS 6- Planning, Archaeology and the Built Heritage

### **Consultations:**

HED Listed Buildings: Objection to scheme – Contrary to BH 8 (a) & BH 11(a)

### **Consideration and Assessment:**

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

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The Planning Department have now assessed, consulted and advertised 4 versions of this proposal. The original submission and 3 revisions. We have also facilitated a meeting with the Agent, Applicant and HED in December 2020 to ascertain if a common consensus could be achieved. This has resulted in the most recent set of

amended plans being submitted and these are the drawings which will be considered in this report.

This proposed development consists of the change of use of the listed building structures of Mourne Park House and its numerous outbuildings together with a large proposed extension to the west of these structures to create a hotel development.

BH 7 assesses the change of use of the listed buildings to hotel use. This policy allows for the change of use to listed buildings where that change would allow for and secure the future upkeep and survival of the building itself. The main building at Mourne Park was substantially damaged in a fire in 2013. The roof is no longer on the main house and there has been significant damage to the internal architectural content of the property. While the change of use to a hotel would secure the upkeep and survival of the building going forward the accompanying new build development and alterations to the listed structure will have an impact on the setting, character and appearance of the listed structure given its scale massing and ancillary works required. This would leave this proposal contrary to BH 7 of PPS 6. The impact on scale, massing and ancillary works will be discussed further below.

The Planning Department have consulted with HED Monuments and Listed Buildings on the proposals to date. HED Listed Buildings branch have assessed the proposal against BH 7 Change of Use of a Listed building, BH 8 Alterations and Extension of a Listed Building, and BH 11 Development affecting the setting of a listed building.

They have advised that the scheme as submitted will impact upon Mourne Park House (Grade B+), House Yards (Grade B1) and Gardener's House (Grade B1), which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings, has reconsidered the impacts of the proposal on the listed buildings on the basis of additional information uploaded 08/01/2021, and advises that:

- It falls under a range of advice. Alterations to Mourne Park House and its associated outbuildings and gardener's house may satisfy some aspects of SPPS paragraph 6.13 and PPS BH7 & BH8, subject to further information being provided and assessed. However, in its current form, the proposed extension fails to satisfy SPPS paragraph 6.12 and PPS6 BH8 (a) and BH11 (a).

In assessing the change of use of the listed building to a hotel development, the planning authority have considered the submission from the agent stating that the current proposal for a hotel development is the only financially viable option. He has ruled out options 1, 2, 3 and 5 on this basis. The Planning Authority having assessed the information submitted are mindful that a detailed cost analysis of each option is not available to allow serious consideration to be given to all the options outline as possible alternative uses. Policy BH 7 seeks to ask the developer to conduct *"an assessment of the building and how best to plan a new use which respects the features and characteristics of that building. To find a use first and then seek to adapt the building to accommodate it is likely to result in difficulties and expense as well as an unnecessary loss of historically and architecturally important material."* The policy then requires the decision maker to balance the economic viability against the proposed uses and the impact they would have on the special architectural or historical interests on the building in question. Given the lack of detailed robust cost analysis submitted,



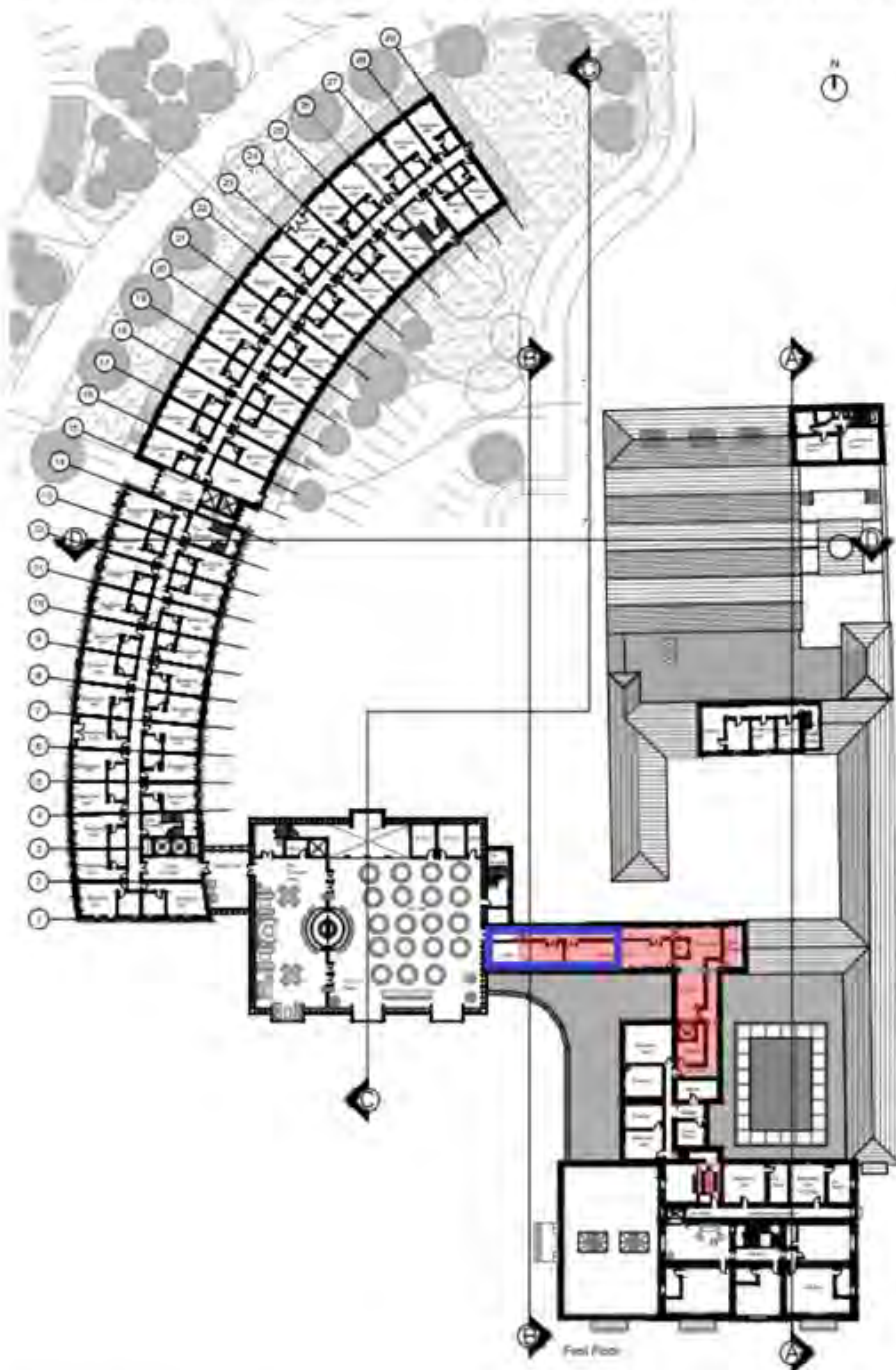
the Planning Department are unable to determine that this proposal meets policy BH 7.

The Planning Department also must consider the proposal under policy BH 8 Extension and Alternation of a Listed Building and BH 11 Development affecting the setting of a Listed Building. HED have formally objected under Policy BH 8 (a) *"the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired"* and BH 11 (a) *"the detailed design respects the listed building in terms of scale, height, massing and alignment"*. The size, mass, scale and siting of the new build accommodation to facilitate the hotel development is of concern to the Planning Department. The new bedroom wing measures approximately 110m in length, and together with the massing, scale and location of the function room, together with the lack of detail provided to demonstrate the level of intervention required to the existing listed buildings on site leaves the Planning Department unable to state that this is an appropriate level of intervention. The agent has been asked to provide working drawings detailing existing & proposed elevations, floor plans and section drawings (at an appropriate scale – usually 1:50) including levels, clearly indicating areas proposed for alteration or demolition must be submitted but has been reluctant to do so to date. This ultimately results in both HED and the Planning Department having insufficient detail to adequately weigh up the appropriateness of the level of intervention of this proposal and its impact on the listed buildings and the setting of the listed buildings. HED having assessed the most recent submission have also requested corresponding drawings SD204 & SD205 to be updated and previously requested sections remain outstanding. These have been requested since Aug 2020. For clarity, they should reflect the 'proposed' version of E-300, E-500 3a-3b, E-501 8a-8b, & E-502 14a-14b (extended to include outbuildings dividing yards 1 & 2) and 15a-15b; and should be at a minimum scale of 1:50 to assess compliance under BH8 (b) and (c).

The development consists of new build accommodation to accommodate 123 new bedrooms and a new function room together with alterations to the several listed buildings on site to accommodate restaurants, spa with pool area, arrivals area and backroom services/function areas. The function room while set back from the front elevation of the main block of the listed structure competes for attention when viewed for the landscaped gardens to the south. This function room together with the large expansion of the newbuild bedroom accommodation will also dominate views and obscure a significant view of the listed buildings structures within the courtyard when viewed from the existing disused entrance road to the south which is proposed to be the main entrance road within this proposal. The agent's letter dated Oct 2020 refers to the Function Room as a 'business in its own right'. Despite efforts to mitigate the adverse impact of this element, its footprint continues to exceed that of the main house. The latter is a neo-classical style house of cube-like form that sits as focal point in the landscape with attached range of outbuildings clearly subservient; this hierarchical arrangement must not be eliminated. The added bulk of the Function Room in such a prominent location is a major contributing factor in our concern that the proposed new-build in comparison to the existing building creates a sense of imbalance which ultimately detracts from the significance of the listed building and its setting.

The removal of the first-floor link is a significant improvement in enabling the visual relationship between the house and outbuildings to remain legible and for the new build elements to be easily reversible. However, refer to Figure 1, below – the

amended first floor plan continues to include the removal of a large portion of the hipped roof between Yards 1 & 2 to provide two lifts in very close proximity, and a number of stores. HED have questioned the necessity for this accommodation in the current location. 1:50 detailed sections as previously described were requested to further assess this impact against policy BH 8 and were not forthcoming.



This will have a detrimental effect the character, setting and architectural interest of the existing listed buildings. It is for these reasons that the Planning Department believes the proposal is contrary to BH 8 (a), (b) and c) and BH 11 (a).

The Planning Department recognises that the only suitable areas for development given the site constraints are to the north, which is restricted in area for development, or to the west. However, this is to be balanced against the size, scale and proximity of



development proposed. We recognised that there will be a significant scale of intervention within the setting of the curtilage of the listed building and its ability to accommodate the scale and mass of new build accommodation proposed, together with the ancillary development required for car parking. The sections submitted should the level of cut and fill required to construct the car parking of approximately 2m in places and this together with the approximately 110m long curved block of new build accommodation will have a detrimental impact on the historic park and would be contrary to BH 11 of PPS 6.

**Refusal reasons:**

The proposal is contrary to Policy BH 7 of PPS 6, in that, if permitted the proposal would adversely affect the character, setting and historical interest of the listed buildings on site.

The proposal is contrary to Policy BH 8 of PPS 6, in that, if permitted the proposal would adversely affect the essential character of the buildings and their settings; it has not been demonstrated that 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 including the architectural details (e.g. doors, gutters, windows) match or are in keeping with the buildings.

The proposal is contrary to Policy BH 11 of PPS 6, in that, if permitted the proposal would adversely affect the setting of the listed buildings as it has not been demonstrated that the detailed design respects the listed building in terms of scale, height, massing and alignment.

**Case Officer Signature:** Jacqui McParland

**Date:**

**Appointed Officer Signature:**

**Date:**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2020/1292/O**

**Date Received: 15<sup>th</sup> September 2020**

**Proposal: Erection of 2 detached infill dwellings and garages**

**Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch**

**Post Committee Addendum**

Following the presentation of this application to Planning Committee on 16<sup>th</sup> December 2020, it was found necessary to consult further with Rivers Agency and HED, owing to the sites location adjacent to an area of pondage and its proximity to a site of a historic enclosure respectively.

Rivers Agency have responded with no objections subject to the development not involving new buildings and/or hard surfacing exceeding 1000m<sup>2</sup>, which the proposed development complies with, and HED have responded with no objections to the proposal. All other aspects of the application remain as discussed at the Committee on 16<sup>th</sup> December. Recommendation to Approve remains.

**Authorised by: Annette McAlarney**

**Date: 17 February 2021**





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**Date Received: 15<sup>th</sup> September 2020**

**Proposal: Erection of 2 detached infill dwellings and garages**

**Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch**

#### **Site Characteristics and Area Characteristics:**

The application site is 0.47ha and comprises the front portion of a field which lies between no. 2 and 10 Glassdrumman Road. The site has a frontage of 111m along the road. There is mature vegetation along the roadside boundary along with the north west and south east boundaries with residential properties. To the rear of the site, land levels begin to increase. There are two dwellings opposite the application site.

The surrounding land is predominantly domestic and agricultural in use with a number of dwellings along this immediate stretch of the Glassdrumman Road. The site is located within the rural area, outside any designated settlement areas.

#### **Site History**

No recent or relevant planning history found on site.

#### **Planning Policies and Material Considerations:**

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3 and 21 (CTY1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

**Consultations:**

DFI Roads – no objections subject to conditions

NI Water Multi Units – no objections subject to conditions.

**Objections & Representations:**

The application was advertised in the local press on 30<sup>th</sup> September 2020 which expired on 14<sup>th</sup> October 2020 and neighbour notification issued on 22<sup>nd</sup> September 2020 expired on 6<sup>th</sup> October 2020.

To date there have been 18 objections received in relation to the proposal including 3 from local elected members.

Objection has been raised on the following grounds:

- This is not a small gap between buildings, it is a large field
- Conflicts with Building on Tradition which states that "Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. \*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."
- This is not a continuous frontage, there are breaks by way of the lane beside no. 2, the ménage, and the gap between 12a and 14.
- No 12 cannot be considered as part of the ribbon as it is a farm cluster with development to the rear.
- This infill proposal fails to respect the existing development pattern in the frontage.
- The garage at no. 2 is not a qualifying building
- The proposed development would read as a suburban build-up and add to a ribbon of development
- Insufficient detail on the drawings with information missing
- Proposed development would have increased hardstanding and contribute to flooding. The site lies adjacent to an area of surface flooding on DFI Flood map. A full flood risk assessment should be provided with this application.
- Development would block off a wildlife corridor between 2 and 10. The hedgerow to be removed for splays provides shelter to wildlife
- No detail of how wastewater will be disposed
- Glassdrumman road is a very busy through road – the proposed development would exacerbate this and increase risk to walkers who use these roads for walks
- Continued building of modern houses leads to a loss of rural character and a loss of agricultural land.
- Loss of privacy between properties across the road from each other



- Applicant does not reside on this property and nobody knows who he is.
- The proposed twin access could be used as a roadway to future houses.
- Will set a precedent for others to build houses on Glassdrumman Road
- This is prime agricultural land and should be used for food production not building houses
- Glassdrumman road does not meet the needs for the current traffic let alone any additional traffic.
- Road is lethal in winter and never salted
- Roads is used by ambulance base and additional traffic could put lives at risk
- Last bungalow built on the road caused new flooding which would be exacerbated by this proposal. The current drainage cannot deal with the existing houses.
- Bringing in new people to the area could spread COVID and 100% of the people living within half a mile of the site are in high risk category due to old age or health. – this alone should be enough to refuse planning permission or postpone a decision.
- If approved, there would be 6 dwellings accessing a narrow stretch of road less than 200m in length
- People move to the countryside for peace and tranquillity, not to live cheek to jowl with neighbours. This urbanisation is ebbing away at the ethos of country life.
- This is a dangerous road for runners, dog walkers and cyclists and the proposal would make it even more dangerous.

Objections in terms of the principle of development of the gap site will be visited in the relevant section below.

With regards the objection raised on the lack of information such as elevation and floor plans, officers advise that this is an outline application whereby the applicant is obliged only to submit a location plan with the site identified in red.

There are no flood constraints within our own mapping system therefore the applicant is not required to submit a flood risk assessment in order for this application to be considered.

While comments on road safety and the use of the road by pedestrians is noted, planning officers defer to DFI Roads regarding the road safety requirements of the proposal.

With regards the potential for future development were this application to be granted, as well as a precedent being set on the road, officers reiterate that each application is considered on a case by case basis.

The fact that the applicant does not live at the site and is not known to neighbours is not considered to be reasonable grounds for objection or material to this planning application.

COVID 19 is not considered to be reasonable grounds for objection or a material planning consideration.

**Consideration and Assessment:**

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 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 CTY8 of PPS21 (infill dwelling).

Policy CTY8 of PPS21 states that 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 the size, scale, siting and plot size etc.

The proposed site has a frontage of 111m onto the Glassdrumman Road. To the south east of the site lies no. 2 which is a dwelling with detached garage, both with frontage onto the road. To the north west of the site is a dwelling at no. 10 also with frontage to the road. Further along the road lies a ménage with is in association with no. 12 Glassdrumman Road and two further dwellings beyond, with frontage to Glassdrumman Road. Officers are satisfied that this site comprises a small gap site within a substantial and continuously built up frontage.

With regard plot size. No.2 Glassdrumman road has a plot width of 46m, no 10 has a plot width of 54m and no 12 has a plot width of 68m. while a large portion of this frontage width is occupied by a ménage, this is viewed to be in association with the domestic property at no. 12 rather than being considered as undeveloped land, given the fencing and hardstanding and therefore is counted as part of the frontage width. The average of these three plot sizes is 56m. The site subject of this application has a frontage width of 111m. As there would be two dwellings within this application site, they would both have a plot width of 55.5m.

Officers are therefore satisfied that the proposed plot sizes would be in keeping with the development on either side. The proposal therefore respects the existing development pattern along this stretch of Glassdrumman Road.

While it is acknowledged that building to building distance is greater than the average plot width, from a visual perspective on the ground it is considered that the site frontage and the lands outlined in red are large enough to accommodate 2 dwellings which respect the existing development pattern, plot sizes and character of the area.



As this is an outline application, no detailed plans have been provided, however an indicative site layout has been provided showing how the site can accommodate 2 dwellings which respect the existing building line, plot sizes and footprints found in the surrounding area.

It is considered that the 2 sites identified are both large enough to accommodate a dwelling and garage with sufficient provision for parking, private amenity space, services and also spacing with the adjacent property to prevent an unacceptable impact. The land within the red line decreases in land level, whereby the land to the rear increases into a hill. The site is bounded by the established curtilages of no. 2 and no. 10 to either side and the increasing land level to the rear will provide a backdrop to the dwellings enabling suitable integration into the countryside and thus no concerns are raised regarding compliance with Policies CTY13 and CTY14.

It is also noted that these dwellings will be served by septic tanks, whereby it is considered there are sufficient lands to accommodate these services with associated soakaways.

Policy AMP2 of PPS3 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 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 AMP3 – Access to protected Routes (which is not applicable in this case).

In assessment of this policy requirement, DfI Roads were consulted. DfI Roads have responded with no objections subject to conditions for compliance with the RS1 form in any reserved matters application.

While it is noted that objection is raised by several parties that the road is dangerous and busy even without this proposed new development, DfI Roads are satisfied that the proposed dwellings would have safe accesses and egress to and from Glassdrumman Road subject to compliance with the attached condition.

Therefore, having assessed the proposal against the relevant planning policies and material considerations which apply to the application, it is determined that this proposal is acceptable in line with Policy CTY8 of PPS21 and under Policy AMP2 of PPS3.

#### **Recommendation:**

Approval is recommended.

### Conditions:

1. As required by Section 62 of the Planning (Northern Ireland) Act 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which the 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. The development hereby permitted shall take place in strict accordance with the following approved plan: 20.15.01B and 20.15.02D

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

3. 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 (herein after called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

4. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the council.

Reason: To ensure the dwelling integrates into the landform.

5. The ridge height of the dwellings shall not exceed 6.0 metres above finished floor level at the lowest point within its footprint and underbuilding shall not exceed 0.5 metres at any point above existing ground level. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.



6. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Planning Authority showing

- details of all proposed soft and hard landscaping;
- details of all existing and proposed site boundary treatments
- all existing vegetation to be permanently retained

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the department gives written consent to any variation.

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

7. A scale plan and accurate site survey at 1:500 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.

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

#### **Informative:**

1. The proposed siting and curtilage shall be broadly in accordance with the submitted Proposed Indicative Site Layout Plan shown on drawing number 20.15.02D

**Case officer:** Jane McMullan

**Authorised by:** Annette McAlarney

**Date:** 16 Nov 2020



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0299/F

**Date Received:** 26.02.2020.

**Proposal:** Single storey dwelling

**Location:** Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick.

#### **Addendum to Case Officers Report**

Planning application LA07/2020/0299/F was recommended for refusal on the 16/11/2020 with the following refusal reason:

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.

This application was due to feature at the Council's Planning Committee in December 2020, but was removed from the agenda by Councillor Trainor. Further information was submitted by the agent on the 2<sup>nd</sup> February 2021 for consideration. Please see below.

- A planning statement from the agent.
- A letter dated 23<sup>rd</sup> October 2019 from the enforcement section within the Newry, Mourne and Down Planning Department regarding the enforcement case for '*Alleged unauthorised clearing of land and trees, planning permission has expired*' at adjacent to 7 Annacloy Road North. The letter advises that this matter is immune from enforcement in accordance with Time Limits set out in Section 132 of the Planning Act (Northern Ireland) 2011 in that, the access and garage founds are immune. The removal of screening is not a breach. It is not expedient to enforce against infilling and so accordingly the Council does not intend to peruse this matter any further.
- A letter from Building Control dated 20<sup>th</sup> August 2020, confirming that their records show a Building Control Inspection of Commencement/Foundation was carried out on the 22<sup>nd</sup> November 2010 and deemed satisfactory.
- Google Street View imagery of the sites frontage on to the Annacloy Road dated October 2008 and March 2011.



Within the Planning Statement the agent outlined the following points:

- Point 1: *The submitted letter from Building Control validated commencement of development within the required time frame.* While the Planning Department do not dispute works commenced prior to the expiry of the approval, aerials of the application demonstrate clearing of the site and foundations in place in 2012, however the foundations evident are not considered to be in laid in accordance with the approved plans as noted in the case officers report. The foundations in place reflect a square shape and are positioned approx. 20 metres east of the south eastern corner of the outbuilding to the rear of No. 7 Annacloy Road North. Upon checking the siting and layout of the dwelling approved, the foundations do not reflect the approved siting or layout of the dwelling.
- Points 2, 3 and 4: *Evidence from Google street view and aerial photography clearly shows sight lines and visibility spays were operational and in place prior to works commencing within the site in November 2010.* As noted in the case officer report, in a consultation response from DFI Roads on 22<sup>nd</sup> March 2020 on this current application, DFI Roads stated no objections to proposal subject to two conditions. Further confirmation was sought from DFI Roads on this and upon inspection of the site in the 26<sup>th</sup> August 2020 it was confirmed by DFI Roads that neither the “Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20”. The agent has stated this was due to growth and believes the Google street view imagery of the sites frontage in October 2008 and March 2011 demonstrates the approved access was in place. Images below demonstrate the new access approved under **R/2009/0622/F** and the aerial imagery of the site, dated 2012. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7, with the new access lane turning towards the front curtilage of No.7 then running along the shared boundary with the application site. This is not considered to be the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019.



The pre-commencement conditions attached to the previous approval required all the works associated with the access including the visibility splays to be implemented prior to commencement.

***The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.***

Therefore, this must be done in full compliance with the approved plans and then the development must be commenced to ensure the permission is correctly implemented. In the absence of the access being completed in full compliance with approved plans the pre-commencement conditions cannot be considered as satisfied and therefore the previous permission has not been enacted.

In the absence of any verifiable evidence that the pre-commencement conditions have been complied with and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission. There is no provision in rural policy now to allow for a dwelling on this site.

<b>Case Officer:</b>	<b>Laura O'Hare</b>
<b>Date:</b>	<b>23.02.2021</b>
<b>Appointed Officer :</b>	
<b>Date:</b>	<b>23 February 2021</b>





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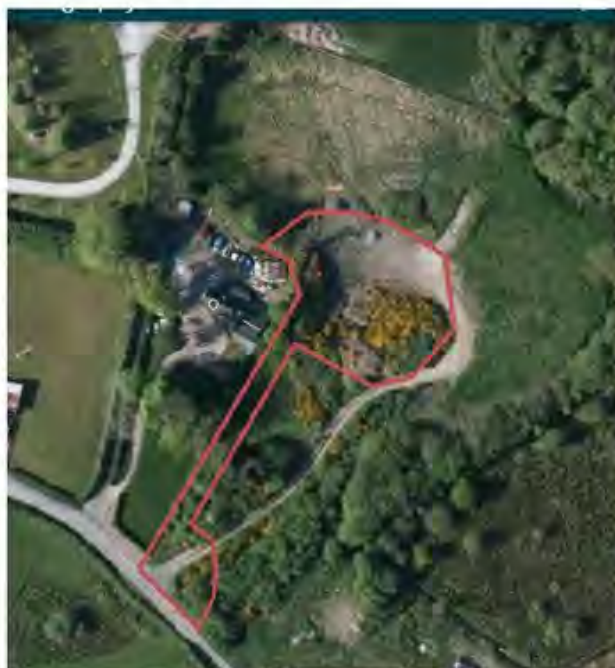
**Application Reference:** LA07/2020/0299/F

**Date Received:** 26.02.2020.

**Proposal:** Single storey dwelling

**Location:** Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick.

**Site Characteristics & Area Characteristics:**



The application site forms a plot of land cut out of a larger field. Access to the site is available from a laneway leading off the Annacloy Road North. There is a square shaped set of foundations evident within the site, set back approx. 90 metres from the road. Adjacent to the site is the dwelling and outbuildings at No. 7 Annacloy road North.

The application site is outside the development limits as defined by the Ards and Down Area Plan 2015. The surrounding area is rural in character, with development comprising of single houses and associated outbuildings.

### Site History:

- R/2004/1192/O, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, BT30 9AF, Erection of single storey dwelling, PERMISSION GRANTED.
- R/2008/0028/RM, Adjacent to 7 Annacloy Road North, Dunnanevly, Downpatrick, Erection of single storey dwelling., PERMISSION GRANTED.
- R/2009/0622/F, Adj to 7 Annacloy Road North, Dunnanelly, Downpatrick., Relocation of an access to a dwelling already approved R/2008/0028/RM., PERMISSION GANTED.

### Planning Policies & Material Considerations:

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

### Consultations:

There were two consultations issued for this proposal, see below.

- Department for Infrastructure Roads (DFI Roads) – Conditions relating to the provision of a safe access. (22/04/2020). Confirmation that neither the Entrance or Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/2020 when checked on 26 August 2020. (10/09/2020)
- Northern Ireland Water (NI Water) – Generic response. (12/03/2020).

### Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 08<sup>th</sup> June 2020. There were no representations received.

### Consideration and Assessment:

This application is seeking planning permission to construct the dwelling previous approved under R/2004/1192/O and R/2008/0028/RM.

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for single dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

### Principle of Development

The principle of a dwelling was established on this site through the approval of planning applications R/2004/1192/O (approved on 14/01/2005) and R/2008/0028/RM (approved on 26/11/2008). Condition 1 on R/2004/1192/O required that development approved must be begun by either the expiration of a period of 5 years from the date the permission of the outline permission or the expiration of a period of 2 years from the date the permission of the reserved matters permission, whichever is the later date. This would mean that development must have been begun by 25/11/2010. As this application was received on the 26<sup>th</sup> February 2020 the important aspect to the determination of the application is to ascertain if the



development has commenced in order to keep the permission live. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry of that decision. As there was a pre-commencement condition with regards to the access including the visibility splays etc attached to the previous approval the onus was also on the agent/applicant to demonstrate compliance with this condition.

Under planning application R/2009/0622/F permission was granted for the relocation of the access to the dwelling already on site. This new access was to be located approx. 30 metres south east of the existing access Condition 2 of this approval was a pre-commencement condition requiring the vehicular access, visibility splays and forward site line to be provided in accordance with the approved plans **prior to the commencement of any works or development hereby permitted** and condition 3 requiring that the visibility splays and forward sight line to be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway **before development hereby becomes operational and shall be retained thereafter**. From the aerials and google street view it not clear that the pre-commencement condition had been complied with within the require timeframe. Having consulted with the Department for Infrastructure Roads (DFI Roads) on this application, they have confirmed that *"neither the Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20 when checked on 26 August 2020"*. This is the same access approved under R/2009/0662/F.

A letter from the Building Control Department within the Council confirmed that a Building Control inspection took place on 22<sup>nd</sup> November 2010 at 5a Annacloy Road, North. This would demonstrate that foundations were in place prior to the expiry of the previous approval. Checking the Orthophotography images of the site, clearing works within the site were evident in the 2012 image and a square shaped set of foundations in place, see below.



Upon measuring the foundations from Spatial NI they are approx. 8.4m x 8.8m. The shape of the dwelling and garage approved resembles an upside down, reversed "L" shape with an additional length of building set at an angle of approx. 45 degrees. The agent has stated on the P1 form submitted with this application that the foundations of the attached garage approved under R/2008/0028/RM were part excavated and concreted but not completed.



# Approved position of the garage under R/2008/0028/RM

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The dwelling and garage within the application site was approved adjacent to the outbuilding within the adjoining curtilage of No. 7, with its longest, straight elevation less than 3 metres from this outbuilding. While the foundations on site only represent a small section of the development approved, they do not appear to be in a place where development was approved or represent the position of the approved garage. As demonstrated above, the north western corner of the foundations measure 19.8 metres from the outbuildings south eastern corner. The foundations do not appear to have been laid in accordance with the previous approval, development cannot therefore be considered to have commenced in accordance with the approved previously plans and thus the previous planning permission is considered to have expired.

The agent/applicant was advised on 17/07/2020 that as the previous approval had expired additional evidence was to be submitted to demonstrate development approved under R/2008/0028RM and R/2009/0662/F commenced prior to their and in accordance with the approved plans and conditions. A further email was issued to the agent/applicant on the 20/08/2020 again seeking additional information in regard to this. On the 24<sup>th</sup> August 2020 a letter from the Building Control Department was submitted outlining an inspection of the foundations took place on 22<sup>nd</sup> November 2010 as detailed above. A further email was issued to the application / agent on the 24<sup>th</sup> August 2020 advising that the onus is on the applicant to demonstrate to the Planning Department that pre-commencement conditions have been fulfilled and that the vehicular access was in place prior to the commencement of works on site and that further evidence was requested to demonstrate that the approved access under R/2009/0662/F was in place prior to any works beginning on site. A response was received on the 28/08/2020 with a link to a google street view image of the sites frontage onto the Annacloy Road. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7,



with the new access lane turning towards the front curtilage on No.7 and running along the shared boundary with the application site. This is not the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019. Further DFI Roads having inspected the site in August 2020, has confirmed the access has not been formed as per Drawing No. 20/01/01 which is the same as the access approved under planning application R/2009/0662/F.

It does not appear that any of conditioned access works commenced prior to the expiry of the previous approval. The agent/applicant did not demonstrate that the required visibility splays were in place prior to the commencement of development works within the application site and it is considered that the issue of commencement remains unproven. In the absence of any verifiable evidence that the pre-commencement conditions have been complied with on or before the expiry of permission and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safeguards the policy requirements of policy CTY 16.

The access arrangements are to be as previously approved. DFI Roads has no objections in relation to PPS3 subject to conditions and informative.

However, notwithstanding the above, as the previous approval has not lawfully commenced, there is no fall-back position, thus the application must be considered afresh. PPS 21 is the current policy provision in place that outlines the circumstances whereby planning permission will now be granted for a new dwelling in the countryside. No justification has been provided on how the proposal now complies with any of these exceptions and it is considered there is no policy support for this proposal

**Recommendation:**  
Refusal

<p><b>Case Officer: Laura O'Hare</b></p> <p><b>Date: 05/11/2020</b></p>
<p><b>Appointed Officer: Annette McAlarney</b></p> <p><b>Date: 09 November 2020</b></p>

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.



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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2019/1312/F

**Date Received:** 29.08.2019

**Proposal:** Two Infill Dwellings and Garages

**Location:** Between 12 & 16 Lisinaw Road, Crossgar.

**Site Characteristics & Area Characteristics:**

The site forms part of an agricultural field with a road side frontage to the Lisinaw Road. The site is relatively flat. The sites northern boundary is formed by timber post and wire fencing. The southern boundary is also defined by timber post and wire fencing with matured landscaping towards the rear. The sites frontage with the Lisinaw Road is formed by matured vegetation, while the rear (western) boundary is undefined given that the site is cut from a larger field.

Abutting the sit to the north and south are residential properties (Nos 12 and 16 Lisinaw Road). Residential development exists further north of the site. Access to the site is provided by a field gate along the sites eastern frontage.

The area surrounding the application site is rural in character with agricultural use dominating land use. Single dwellings with associated outbuildings are evident along the Lisinaw Road.

**Site History:**

There is no planning history relevant to the application site.

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Ards and Down Area Plan 2015.
- Planning Policy Statement 21 –Sustainable Development in the Countryside.
- Planning Policy Statement 3 – Access, Movement and Parking.
- Planning Policy Statement 15 – (Revised) Planning and Flood Risk.
- DCAN15 – Vehicular Access Standards.
- Planning Policy Statement 2 – Natural Heritage.
- Building on Tradition – Design Guide for Rural Northern Ireland.



### **Consultations:**

- The Department for Infrastructure Roads (DFI Roads) – No objections subject to conditions. (23.09.2019)
- The Department for Infrastructure Rivers (DFI Rivers) – No objection to the proposal. (15.05.2020).
- Northern Ireland Environment Agency (NIEA) – No objections to the proposal. (13.11.2020).
- Northern Ireland Water (NI Water) No objection subject to conditions. (09.09.2019)

### **Objections & Representations**

There were two neighbour notifications issued for this application. The proposal was advertised in the local press on 18<sup>th</sup> September 2019. There were a number of objections received that outlined the following concerns:

- Damage caused to local environment in terms on vegetation removal.
- Flooding and excess surface run off.
- Impact of increased sewage disposal, drainage and waste and land disturbance on wildlife.
- Traffic and road safety issues.
- Inappropriate development as AONB will be degraded.
- Urbanising of the area and a change of character for the area.
- In conflict with current planning legislation.
- Not in keeping with size of sites surrounding, dwellings proposed are too large with minimal distancing and amenity space.
- Will not benefit the community and will devalue it.
- It will be ribbon development and is Contrary to CTY16
- Landlocks site to field to the rear and how will an alternative access be facilitated.
- Adverse impacts on the amenity of neighbouring properties in terms of light, noise, outlook and overlooking. Loss of seclusion and privacy.
- Right of access and land ownership.
- A room above the lounge with no access.
- Application site within 50 metres of Woodland
- No environmental impact assessment.
- Site adjacent to priority species.
- Size of the application site not correct.
- Inaccurate descriptions on photographs in the ecologist's report.
- All communications not issued on public portal.
- P1 form incomplete.
- The biodiversity report should not to be sponsored by the applicant or agent.

Issues relating to devaluing the community and land ownership. The applicant / agent has been challenged on land ownership and has amended the P1 form accordingly. The agent has advised that the ceilings will be vaulted above the lounge areas and therefore no access on the first floor is required. Further, he has advised that the applicant has arrangements in place using the neighbouring farmers field for agricultural use access to the rear lands should the infill sites be approved and constructed. The application site is not included in an Area of Outstanding

Natural Beauty (AONB). The Biodiversity report has been completed by an Ecological Consultant. The P1 form uploaded on the 22/05/2020 was amended to provide details of the new agent appointed and amend Section 27 in response to land ownership, the initial P1 form indicated that foul sewage will be disposed with a septic tank and this has been indicated on the drawings. The application site measures 0.49 hectares. Having checked correspondence in regard to this application, emails were sent to the agent from the Planning Department seeking amendments in line with consultees requests, all necessary information relating to the processing of this application is uploaded to the public planning portal for viewing. The agent provided an amended Ecology Report with descriptions under photographs corrected, this remains on file. The content of the report remains as per the one issued on the planning portal. The remaining issues are addressed in the Consideration and Assessment sections below.

### **Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits on the above Plan and is un-zoned. There are no specific policies within Ards and Down Area Plan 2015 relating to the site. The application will therefore be considered under the operational policies of the SPPS and PPS 21.

Policy CTY 8 of PPS 21 states that

*"Planning permission will be refused for a building which create 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 respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".*

The application site is positioned along the Lisinaw Road. It is bounded to the south by the curtilage of No. 12 Lisinaw Road and to the north by the curtilage of No. 16 Lisinaw Road. The dwellings at No. 16 and 12 qualify as two buildings with frontage. In line with PAC decision 2016/A0146, the garage within the curtilage of No. 16 represents a separate building with frontage to the road, meeting the test for a substantially built up frontage of 3 buildings.





The gap is measured between the buildings of No. 12 and No 16 at 97 metres. The average width of plots along this frontage is 50 metres, in this scenario, the gap is capable of accommodating two dwellings while remaining respectful to the existing development pattern and this meets the policy criteria of CTY8.

The proposed site also meets the development pattern criteria:

- **SIZE & SCALE** –Bungalow dwellings including roof conversions are evident in the immediate site context. Given the topography of the site, a bungalow style dwelling would be appropriate. Objections were raised in regard to the proposed dwellings size. The dwellings footprints will measure approx. 200 sqm with garages measuring 54sqm and are not considered excessive in comparison to existing development in the locality.
- **SITING** – Drawing PL01 REV B shows the gap site divided into two plots with dwellings positioned centrally within the plots with detached garages set to the rear. The dwellings position broadly respects the established building line evident along this section of Lisinaw Road. This is considered in keeping with the established settlement pattern.
- **PLOT SIZE** – The plot widths are 39 and 45 metres and are considered in keeping with the established development pattern to the north and south of the site along Lisinaw Road. The depth of the plots is similar to the surrounding established plots.

This proposal is considered to meet the requirement of Policy CTY8 for infill development and is not considered to create ribbon development. Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must

integrate into its setting, respect rural character and be appropriately designed." These considerations are assessed under policies CTY13 and CTY14 of PPS21.

### CTY 13 and CTY 14

Policy CTY13 requires the design of the building to be appropriate for the site and its locality. More specific design guidance is found in A Design Guide for Rural Northern Ireland and the Building on Tradition Sustainable Design Guide.

The dwellings are to be bungalow style with pitched roofs and will include roof conversions. A small front and rear return is provided with side projection to the dwelling's gable end with reduced right height. The dwellings will measure 6.3 metres in height from ground floor level. Both building frontages will measure 17 metres in length (not including side projection) and gable depths measure 9.3 metres. Each dwelling is to be provided with a detached double garage measuring 5 metres in height from GFL and finished so as to be in keeping with the design of dwelling. The dwellings footprints and their heights are not considered excessive in comparison to existing development in the locality. The overall scale of the dwelling would respect the existing development within the ribbon.

External finishes to be used include natural slate or dark non-profile concrete tiles for the roof covering, dark rainwater goods, painted render for walls and Siberian larch board cladding with UPVC or p.p.c aluminium windows and doors. The proposal creates a good solid to void ratio with the windows in public views having vertical emphasis. The siting of the two dwellings respects the traditional sitting patterns in this locality and the predominant house typologies in the ribbon. The design of the proposed dwelling conforms to the guidance set out in CTY 13 and the Building on Tradition design guide. They are broadly similar in massing and scale to other dwellings along this stretch of the Lisinaw Road and therefore considered to be acceptable.

In terms of CTY 14 the proposed development is not unduly prominent in the landscape; will not result in a suburban style build-up of development and respects the pattern of development exhibited in the area.

The dwellings and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area. A section of the existing hedge along the sites frontage with the Lisinaw Road will be removed to facilitate the provision of a safe access. A new native hedge and new tree planting will replace what will be removed along the sites frontage.

In terms of landscaping, new native species hedging is proposed to be planted around all of the site boundaries (rear of sight splays,) supported with timber post and rail ranch style fencing and post and wire agricultural fencing, in addition to sporadic planting of native species trees, as shown on drawing PI-01. The critical views of this site are both long and short distance views when travelling along the Lisinaw Road. The dwellings proposed would visually link with the ribbon of development along this section of the Lisinaw Road.



### CTY16

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The proposal includes the provision of two septic tanks and consent to discharge with required from NIEA under a separate consenting regime.

### PPS2

Upon inspection of the application site, no priority species were identified as occupying the site or within the immediate vicinity of the site as per the Northern Ireland Environment Agency's Natural Environment Map Viewer. In terms of Priority habitats there is Fen and Peatland approx. 64 metres and 136 metres respectively north west of the application site and a thorough walk over of the site did not uncover evidence of badgers or priority species activity around the site. The Natural Environment Map Viewer does not identify an area of Woodland with protected habitats within 50 metres of the application site. Minimal removal of hedgerow along the sites frontage with the Lisinaw Road is required to facilitate the required visibility splays. The Northern Ireland Environment Agency (NIEA) was initially consulted in November 2019 in response to objector's comments and responded on the 08/11/19 referring the case officer to standing advise in regard to water management. NIEA requested a further consultation be issued to them in May 2020, following this a biodiversity checklist was requested. On the basis of the information provided in the biodiversity checklist, it was necessary that an ecologist or other suitably qualified person carry out an evaluation of the proposed development and complete the Ecological Statement. An assessment of the application site was carried out by Spouncer Ecology and an ecology report was completed. NIEA was consulted on this report and responded on the 13/11/2020 to advise that the Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and other natural heritage interests and on the basis of the information provided has no concerns.

### PPS15

It was necessary to consult with The Department for Infrastructure Rivers (DFI Rivers) has been consulted on this proposal as the proposal indicated that a change of use involving new buildings and or hard surfacing exceeding 1000 square metres was proposed. Following amended drawings, DFI Rivers responded on the 15/05/2020 to advise there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which they have no record. The site does not lie in a floodplain and they have no records of flooding in the area. A small part of the site is located within a predicted flooded area as indicated on the Surface Water Flood Map, however DFI Rivers advise a drainage assessment is not required and it is the applicant's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impact beyond the site. Further, DFI Rivers note that the private soakaways system proposed have no outlet and drainage is via percolation through the soil strata and that commenting on the efficacy of the proposed soakaway system is outside their area of knowledge and expertise. This will be a matter for NIEA to comment on the workability of the system of disposal and the applicant will require consent for this from NIEA. This is the subject of a separate consenting regime outside Planning. It is considered therefore that FLD 3 can be satisfied.

### PPS3

The proposal involves the construction of a new access onto Lisinaw Road to serve the proposed dwellings. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The issues raised by objectors have been taken into consideration and The Department for Infrastructure Roads (DFI Roads) has been consulted on this proposal and has no objections, subject to attached conditions which includes the provision of visibility splays 2.4 x 60m prior to the commencement of any development approved to provide adequate visibility and have no objections on the grounds of road safety. These access requirements will be attached to this decision as negative conditions.

Adequate parking and vehicle turning can be provided within the curtilage of the proposed dwellings.

### Residential Amenity

The proposed siting of the dwellings is not considered to adversely affect the amenity of any nearby dwellings. The dwellings are to be sited broadly in line with the existing building line therefore overshadowing between the dwellings should not be an issue. Having considered the type, position and orientation of ground floor and first floor windows, no unreasonable overlooking shall occur as a result of this proposal into existing residential properties or into each dwelling proposed. Additional landscaping to reduce overlooking from ground floor windows is proposed and will be conditioned on any future approval.

Each dwelling is to be provided with sufficient private amenity space to the rear, along with gardens to the side and front. The dwellings have been sited with sufficient spacing between them to ensure their amenity will not be impacted upon.

Approval is recommended for the proposal however in line with the Council's Scheme of Delegation the application will feature at before the Council's Planning Committee as there were at least six material planning objections from different addresses.

### **Recommendation:**

Approval

<p><b>Case Officer Signature: Laura O'Hare</b></p>
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<p><b>Date: 27/11/2020</b></p>
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<p><b>Appointed Officer Signature:</b></p>
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<p><b>Date: 27 November 2020</b></p>
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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: LA07/2019/1312/01, PL-01C, PL-02 and PL-03

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

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

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwellings in accordance with the details on the approved plans.

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

6. Hedgerows shall be retained on the southern, northern and eastern boundaries as indicated on approved plans, PL-01C. If any retained hedgerow is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

7. All planting and fencing as indicated on drawing No. PL-01C shall be implemented during the first available planting season following the commencement of the development

Reason: To ensure the development integrates into the countryside.

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

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





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

Application Reference: LA07/2020/1155/F

Date Received: 01.07.2020

Proposal: Proposed football ground to accommodate the relocation of Newcastle Football Club. Development comprises 3no football pitches(1no full sized intermediate standard grass pitch, 1no U12 grass pitch and 1no small sided 3G games Pitch), new access to church Hill, Club house, temporary portacabin for use as temporary changing facilities, equipment store, ball stop netting, spectator seating, fencing, car parking, new entrance gates, landscaping and associated works

Location: Lands approx. 15m west of No 1 Church Hill Road Newcastle

#### Site Characteristics & Area Characteristics:

The 2.2ha site is located outside the Settlement limits of Newcastle as identified in the Ards and Down Area Plan 2015. The site is located along the A50 Protected Route. The site is within the Mournes AoNB. Site is currently improved grassland. Site is bounded by the Castlewellan Road and Church Hill. The site falls off from the NW towards the Church Hill.

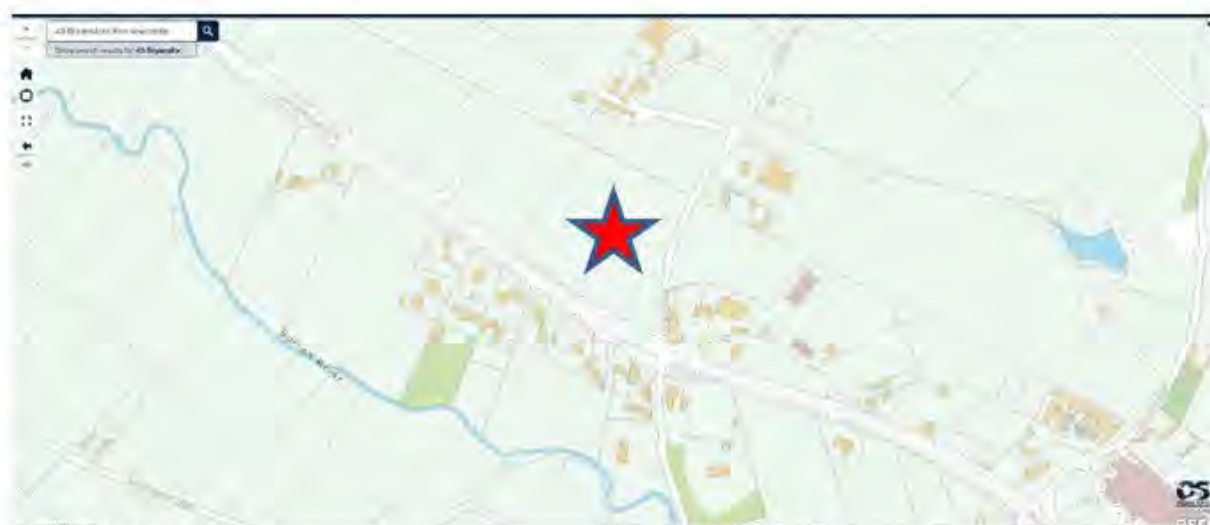


Fig 1 Site Location



**Fig 2 Aerial of Site**



**Fig 3 A50 Roadside view of Site**



**Fig 4 Site Layout**



## Site History:

### LA07/2020/0249/PAN Major Planning Application

Reference	Location	Proposal/Comment	Status	Date
R/1995/0108	Rd 1 TO R/D MOUNT 8 CHURCH HILL	Provision of 11 no holiday dwellings - 5 no to conversion	PERMISSION GRANTED	
R/1977/0114	CARNACVILLE NEWCASTLE	M.V.D./B LINE	PERMISSION GRANTED	
LA07/2020/0249/PAN	Lands approx. 1.5a west of No 1 Church	Proposed football ground to accommodate the relocated	PROPOSAL OF APPLICATION NOT	
LA07/2020/1155/F	Lands approx. 1.5a west of No 1 Church	Proposed football ground to accommodate the relocated	CONSULTATION(S) ISSUED	

## Planning Policies & Material Considerations:

The application is considered against the SPPS, Ards and Down Area Plan 2015 and in addition to this is also considered against PPS21, PPS 8, PPS 2 and PPS 3 and supplementary guidance.

## Consultations:

Consultations were carried out as follows:

DFI Roads	No objection subject to final clearance of PSD's.
Rivers Agency	No objection
EHO	No objection
SES	No Objection
Internal Area Plan Team Consultation	No objection

## Objections & Representations

Neighbour notification carried out on the 17.09.2020.

7 Church Hill  
5 Country Cottages  
5 Church Hill

4 letters of objection have been received to date raising issues of

- Floodlighting
- Wildlife and environment
- Inappropriate in rural area
- Noise
- Traffic and narrow nature of Church Hill Rd
- Anti-social behaviour re clubhouse

## Consideration and Assessment

This is a major planning application as defined in The Planning (Development Management) Regulations (Northern Ireland) 2015. Section 27 of the 2011 Act places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application. A PAN was submitted to the Council under LA07/2020/0249/PAN. Section 28 of the Act requires a PACC to be submitted with the application. These requirements have been met.

The proposed development falls within Schedule II Development as contained in The Planning (Environmental Impact Assessment) Regulations (NI) 2017. The development is located within a Designated Area, AoNB also. The Council has undertaken a screening exercise under Schedule II and Schedule III and has screened out the development for Likely Significant Impacts and considers that the development does not represent EIA development.

SES have also carried out a HRA assessment on behalf of the Planning Authority. The Planning Authority formally adopt that HRA as its own for the purposes of complying with Regulation 43 of The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as Amended 2015).

Section 45 of The Planning (Northern Ireland) Act 2011, requires the council to have regard to the Local Development Plan as far as material to the application and to any other material considerations. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires that the determination of proposals must be in accordance with the development plan unless material considerations indicate otherwise.

This site is located within the countryside and outside any zoned and designated site for land use. The application site lies outside the Settlement limits of Newcastle as designated in the ADAP. The site is located within the designated AONB.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS 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 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 prescriptive on a particular planning policy matter then retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The SPPS states that the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach.

The definition of intensive sports facilities is given as 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community. There is no conflict between the SPPS and Policy OS4 of PPS8.

The site lies in the open countryside, and PPS 21 applies to all countryside development. CTY1 outlines the types of acceptable development, which includes open space, sport or outdoor recreation in accordance with PPS 8.



## PPS 8 Open space Sport and Outdoor Recreation

The agent has argued that the proposal falls within Policy OS3 – Outdoor Recreation in the Countryside.

Policy OS3 relates to proposals for 'outdoor recreational use in the countryside'. It does not define outdoor recreational use but the justification to the policy refers to hill walking, rambling, cycling, angling, horse riding, golf, orienteering, mountain biking, rowing, sailing and canoeing. It explains that such activities often bring with them a resulting need for ancillary facilities. It also talks about any proposed activity or development not becoming a dominant feature in the landscape, which tends to infer 'small scale'.

It is the view of the Planning Department that this is a 'larger scale' development. It would amount to an 'intensive sports facility' and effectively a 'sports stadium'; both of which are referred to in policy OS4.

The justification to this policy explains that intensive sports facilities include stadia, leisure centres, sports halls, swimming pools etc. It suggests that such facilities often serve as a focus for the community and experience would suggest that football clubs often do just that.

The fact that the proposal includes multiple pitches (including a 3-G pitch) spectator seating, a large clubhouse, 59 on-site car parking spaces and coach parking etc that, as a matter of fact and degree, tips it beyond what reasonably could be considered as an outdoor recreational use in the countryside and more towards an 'intensive sports facility'.

As such the application has been assessed most appropriately against Policy OS 4.

### Policy OS 4 Intensive Sports Facilities

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) **there is no alternative site within the settlement which can accommodate the development;**

An exploration of alternative sites was requested from the agent. A number of in settlement sites have been identified and discounted by the agent namely

- 113-115 Dundum Road Newcastle, brownfield site deemed unsuitable due to size being 0.8 acres.

- Lands to rear of 142-156 Dundrum Road, 3.4ha undeveloped zoned housing lands. Discounted by agent as being economically unviable.

- Shimna Integrated School Site discounted due to redevelopment proposals for the school.

- The agent provided a number of sites currently zoned as Open Space in the Area Plan. Most Council owned and therefore have been discounted as being unsuitable.

Newcastle FC currently do not have any dedicated football grounds, they currently make use of the pitch and facilities at Shimna Integrated College and the Council owned grounds at Donard park. Shimna Integrated College currently has currently in planning an application for a new replacement school and grass play areas. The grounds will therefore be no longer available to NFC should the redevelopment application for the college be successful.

Newry Mourne and Down Council have adopted a new Tourism Strategy that has identified Donard Park as a potential future sport/recreational hub. Therefore, a level of uncertainty exists as to the future of NFC at the site.

Tollymore FC are under a 25 year lease agreement with NMDC for the use of Donard Park (Bear Park). NFC is reliant on the agreement of TFC to use Bear Park. Bear Park does not meet the current intermediate ground standards with further deficits in meeting the proposed new IFA intermediate ground standards.

The Planning Office have reviewed the alternative sites identified by the agent. Consideration has been given to the zoned housing lands at Dundrum Road, NE 07 in the Area Plan, the Planning office consider that's whilst these lands could accommodate the proposal, the loss of such zoned housing lands would have to be accommodated elsewhere. The Planning Office are of the opinion that housing lands are better accommodated in settlement as opposed to through greenfield expansion of settlements, especially when policy allows for such sports facilities in the open countryside. Use of the zoned lands for this proposal would not be in the best interests of the sustainable development of the settlement. Consultation has been carried out internally within the Councils Area Plan Team, they have responded that the proposed development would not establish a precedent that would have the potential to undermine the LDP process.

- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;**

The proposed development is located <500m from the settlement limit of Newcastle which terminates at the Burrendale Hotel. Policy requires that the proposed development can be clearly identified as being visually associated with the settlement. The proposed site will contribute to a linear extension of development beyond the settlement limits of Newcastle, however there already exists a linear extension of built development along the A50 from the settlement limit at the Burrendale hotel and terminating at the site. This area has experienced increased built development recently with the expansion of the small-scale business park southeast of the site. There is a cluster of development at the junction of the Castlewellan Road and the Tollymore Roads. This is all outside the settlement limits of Newcastle. The site cannot be described as being open unspoilt countryside and given the extension of development outside the settlement limit it can be identified as being visually associated with the settlement of Newcastle.

- (iii) there is no adverse impact on the setting of the settlement; and**

Given the above and the nature of the proposal it is not considered that there would be an adverse impact on the setting of the settlement. In terms of the Development Plan Team response they do not consider that the proposal would give cause for any concerns with regard to marring the settlement limit.

- (iv) the scale of the development is in keeping with the size of the settlement**



The proposal is for a 3no football pitches (1no full sized intermediate standard grass pitch, 1no U12 grass pitch and 1no small sided 3G games Pitch), new access to church Hill, Club house, temporary portacabin for use as temporary changing facilities, equipment store, ball stop netting, spectator seating, fencing, car parking and new entrance gates.

Objectors have raised issue with the appropriateness of the development to the rural area. Newcastle is classed in the RDS as a local hub below the level of Downpatrick. It is one of the 3 main towns in the District. The population of which is over 7,500. The scale of development proposed is in keeping with the size of the settlement of Newcastle.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- ***there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;***

Objectors have raised issue with the noise from the proposed development. The proposed developed is located adjacent to the busy A50. A noise impact Assessment has been carried out for the development given the proximity of a number of residential properties.

Properties most likely to be impacted will be those in the immediate vicinity along Church Hill, in particular No.1 Church Hill (referenced R6) which is located opposite the proposed access to the development. No 5 CH (referenced R5)

The nearest properties to the development are those on Church Hill (Nos 1,5,5a and 7) and Country Cottages. Country cottages is self-catering holiday accommodation (referenced R1 R2 and R3) . There are properties located across the Castlewellan road from the site (referenced R7-R12) , but given the intervening A50 road, the impact on the development on these properties will be lessened.



\*Note- The above diagram is not to scale and is for illustrative purposes only.

**Fig 5 Extract from Noise Assessment**

Policy requires no unacceptable impact on the amenities of people living nearby. The facility will be utilised for training and matches by the clubs 3 senior teams and 5 youth teams. Seniors train twice weekly (Mon and Wed 7-9pm) with a home match on a Saturday afternoon 1-4pm. Youth teams train once a week, split into 2 groups training Mon 6-8pm and Wed 7-9pm with one match on a Saturday 9am-12 noon. The indicative layout shows the clubhouse and 59-space car park placed in the south of the application site. Summertime training will only occur at the facility with no winter time training. There is no Floodlighting proposed as part of this development.

The car parking at its closest point would be 40m from No 1 CH. The clubhouse is in excess of 100m from No 1 CH. The new access to the facility is directly opposite No.1 Church Hill.

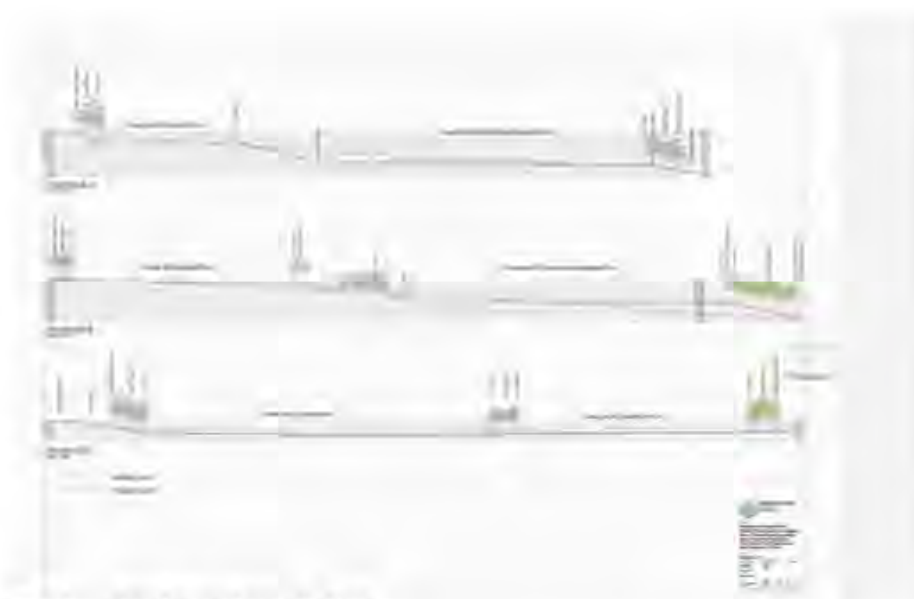
The noise resulting from the proposal before us will not be continuous but rather limited to mostly evening and weekends and this taken together with the existing background noise of the A50 and surrounding land uses will limit any potential noise having an adverse impact on neighbouring residential amenity. This is supported by Environmental Health's response that there will be no adverse impact on residential amenity. The residents of No1. Church Hill will undoubtedly experience disturbance from an increase in the level of activity on the road in accessing the site given its close proximity to their property, it is not expected that this will result in an unacceptable impact as verified by the Noise Impact Assessment and EHO response of no objection. Matters of any potential for anti-social behaviour arising from the development is a matter for the management of the Football Club to resolve.

• ***there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;***

Objectors have raised issue regarding the nature conservation of the site. SES were consulted on the application and have carried out a HRA Stage 1 screening and have concluded no viable environmental pathway between the proposal and any European Site or feature. Consultation was not considered necessary with NIEA given the present use of the field as improved grassland the lack of evidence of any protected species and the proposed retention of the majority of the hedgerow habitat.

The site boundaries are defined by low hedges and nearly all of the site is open to view from the A50. There are no internal field boundaries to be removed for the development, however roadside hedging along the Church Hill Road will by necessity be removed to accommodate the road widening to 6m, the access, sight lines and splays. Planting is proposed behind the splays. It is acknowledged that given the existing topography of the site that remodelling to include areas of cut and fill will be required to create playing fields. However, the degree of cut and fill is not unacceptable and can be accommodated without detriment to the character of the area.





**Fig 6 Sections through Site**

Additional buffer planting of 5m is proposed to the A50, the hedging to the NW and SE of the site is being retained and augmented with additional planting. Similarly, buffer planting is being proposed along the Church Hill Road where a sloping planted bank will shield views of the pitch from the road.

At the time of site inspection there were no priority species witnessed on site. There are no features of Arch or built heritage in the vicinity of the site.

• ***buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;***

Policy requires ancillary buildings or structures to be of a scale appropriate to the local area and sympathetic to the surrounding environment. The layout shows a clubhouse, temporary portacabin for changing facility and an equipment store. The clubhouse is located centrally on the site and is a split level building set into the slope, functionally designed with materials of timber cladding and natural stone. The portacabin looks typically temporary in nature with green corrugated metal clad finish. The portacabin is temporary and shall be conditioned to be removed upon completion of clubhouse. The equipment store is located at the entrance to the facility and is a corrugated grey metal shed.

Fencing and ball stop nets are proposed around the various pitches. A 5m high ball stop fence is proposed for the U12 9 a side pitch onto the A50. A 9m high ball stop fence is proposed to the IFA Premier pitch, however this is set back from the main Road and behind the car parking. A 4m high ball stop net is proposed to the small 3G games pitch to the rear of the site. Fencing within the site varies from 2.4m at its highest to 1.2m and shall be green powder coated paladin. Spectator terraced seating is also proposed for the larger IFA pitch.

The buildings proposed are not excessive in number or size and would be expected at such a facility. The scale of the buildings are not excessive for the site and can be accommodated without detriment to the surrounding rural environment.

It is acknowledged that members of the public will be aware of the facility as attention will be drawn to the ball stop fences, however these alone would not render the proposal unacceptable visually.



**Fig 7 Clubhouse Floorplans and Elevations**



**Fig 8 Equipment Store and Portacabin floorplans and Elevations**

- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport;

The proposal is located within easy reach of public transport. Bus stops are located in both directions within easy reach of the proposed development. The clubhouse is DDA compliant, disabled car parking spaces (2) proposed. The proposal includes a dropped kerb and pedestrian crossing on the Castlewellan Road, which links into the footpath in both directions to Castlewellan and Newcastle, a 2m footway continues into the site.

- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Objectors have raised issue regarding the rural nature of Church Hill Road and its ability to cope with the additional traffic generated by this development. Also road safety issues were raised. There is no evidence to suggest that public safety could be prejudiced by this proposal and the nature, scale, extent and frequency of use proposed do not render the development incompatible with the surrounding character.



DfI Roads are the responsible authority for roads safety and they have been consulted on numerous occasions on the scheme in its entirety, including the flood lighting and they have responded stating that they have no roads safety concerns.

### **Policy CTY 13 of PPS21**

Based on the information submitted, the development would not appear as a prominent feature in the locality. The site can provide a suitable degree of enclosure for a development of this nature and the proposal can therefore integrate satisfactorily with the surrounding area.

The proposal does not rely on new landscaping to achieve a satisfactory degree of integration, existing hedgerows are to be retained and augmented. Earthworks are required to grade the land to allow for level playing pitches and the clubhouse is built into the slope. Upon occupation of the clubhouse the temporary changing portacabin will be removed from site.

The design of the buildings are appropriate to this site in terms of design height, massing and siting. On balance, the proposal complies with Policy CTY 13.

Given the nature of the buildings and landscape treatment existing and that proposed on site, the proposed development would not be unduly conspicuous in the landscape. On balance, the proposal complies with the requirements of Policy CTY 14.

CTY 16 of PPS 21 assesses the disposal of sewage in development schemes in the Countryside. The proposal proposes an onsite foul package treatment plant and soakaways. All will be subject to a separate consenting regime.

## **PPS 2 Policy NH 2 - Species Protected by Law**

### **European Protected Species**

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

### **National Protected Species**

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Objectors have referred to deer and wildlife on the site. During the site inspection no priority species or evidence of them were observed.

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

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

priority habitats;

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

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

The site is an improved open agricultural field with no internal hedgerows. The majority of the hedgerows are being retained and augmented. Partial hedgerow removal is taking place to facilitate the access and sight splays. This hedgerow is being replaced behind the splays. It is not considered that there will be any impact on protected species in this case. No floodlighting is being proposed. As above there is no evidence of any protected species or protected habitats or features on site.

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 on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. 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.

#### **Policy NH 6 - Areas of Outstanding Natural Beauty**

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

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
  - local architectural styles and patterns;
  - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
  - local materials, design and colour.

The proposal for the reasons given above will not offend the special character of the AoNB.

#### **PPS 3 Access Movement and Parking**

##### **Policy AMP 2 Access to Public Roads**

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

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

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

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

The access for the development is onto the Church Hill Road. The Church Hill Road is to be widened to 6m for the first part. Footway to continue into site. DFI Roads have no objection to the development. At the time of writing whist DFI Roads have no objection we await final sign off on the PSD's for the development.

##### **Policy AMP 7 Car Parking and Servicing Arrangements**

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Car parking standards advise

<b>No Specific Class 'Sui Generis'</b>	Churches and Church Halls	1 space per 3 seats	Churches shall have a minimum of 1 coach space	Minimum of 10 per unit
	Indoor / outdoor stadia including rugby, football, soccer, gaelic football, skating etc.	1 space per 3 staff 1 space per 3 players / competitors 1 space per 3 spectators	1 coach space per 500 spectators	Minimum of 10 per unit or 1 per 50 seats, whichever is the greater
	Soccer, Hockey, Rugby, Cricket etc. Pitches	1 space per 3 players	1 coach space per 4 pitches	Minimum of 2 per pitch
	Sports / Leisure Centres	1 space per 3 staff 1 space per 3 players 1 space per 3 spectators		Minimum of 10 per unit

**Fig 9 Extract from Parking Standards**

Car parking has been provided for 59 car parking spaces and 1 coach parking space. This is considered appropriate for the frequency and timing of the training and matches at the facility. The site is accessible by bus and also within cycling distance of the settlement.

The Transport Assessment Form provided by the applicant based on data from the Football club advises the following in terms of numbers attending the facility

	<b>Training</b>	<b>Match Day</b>
<b>Walk</b>	7	9
<b>Cycle</b>	3	2
<b>Car Driver</b>	30	60
<b>Car Passenger</b>	12	20
<b>Taxi</b>	2	3

**Fig 10 Extract from the TAF**

The TAS advises of the peak periods likely to be experienced as being Monday and Wednesday evenings (7-9pm) in summer months for training and Saturdays 1-4pm for home matches.

It advises that only summer training will occur at the facility where light conditions permit given there is no floodlighting proposed. All winter training will continue as existing.

The level of car parking proposed is considered appropriate for the development taking into account parking standards.



## PPS 15 Planning and Flood Risk

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 Drainage Assessment by Lisbane Consultants was submitted given the area covered by the development. DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

FLD5 - Development in Proximity to Reservoirs – DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Lough Island Reavy Reservoir.

DfI Rivers is in possession of information confirming that Lough Island Reavy Reservoir has 'Responsible Reservoir Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Proposal complies with PPS 15 Planning and Flood Risk.

### Recommendation:

Taking into account the Area Plan, planning policy, consultee responses and representations received on the application and all other material planning considerations approval is recommended subject to conditions. Approval subject to conditions

### Drawings upon which the determination is based

Site Location	LA07/2020/1155/F 06
Site plan	02
Sections	03
Clubhouse Floorplans and Elevations	04
Portacabin and store Floorplans and Elevations	05
PSD	V3

### 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 LA07/2020/1155/F 06, 02, 03, 04, 05 and PSDs V3.

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

3. The temporary changing portacabin as indicated on drawing 02 shall be permanently removed from the site upon the coming into use of the Clubhouse hereby approved.

Reason: In accordance with the application and because the proposed building would otherwise prove unacceptable in this location.

4. There shall be no outdoor sports activity at the premises between the hours of 10pm and 7am.

Reason: To satisfactorily protect the residential amenities of nearby occupiers.

5. All proposed planting and boundary augmentation as shown on Drawing 02 shall be carried out in accordance with this drawing within the first planting season after any part of the development becomes operational on the site. The trees and hedgerows should be allowed to grow on to a height of 3 metres and thereafter maintained above that height. Any trees or hedgerows dying, removed or becoming seriously damaged as shown on the plan shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure that the appearance of the development integrates satisfactorily into the countryside.

#### **Informatives**

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. No removal of trees/scrub/hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
4. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.

Under No circumstances will storm water be permitted to enter a public foul sewer. Building over a public watermain is not permitted, and only in exceptional circumstances may building over a public sewer be permitted.

**Authorised Officer**

**Annette McAlarney 23<sup>rd</sup> February 2021**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0485/F

**Date Received:** 20 March 2020.

**Proposal:** 864 m<sup>2</sup> of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m<sup>2</sup> Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m<sup>2</sup> ) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

**Location:** Nos. 46 /47 /49 /50 /51 /52 /53 & 54 Merchants Quay Newry together with Nos 9 /11 /13 /15 & 17 Cornmarket Newry.

#### **1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:**

- 1.1.** The application site, an area of 0.404 hectares runs from Merchant's Quay frontage to the east to Corn Market Frontage to the west and north west.
- 1.2.** Its northern site boundary runs to the rear of existing 2 storey properties on along the Corn Market. A 3-metre corrugated fence, continues along the western boundary, which also contains six 2-storey properties. The

Merchant's Quay frontage is formed by a range of 2/3 storey commercial premises, a substantial number of which are currently vacant. The site excludes an existing 3 storey premises at 48 Merchants Quay but continues along the remainder of this frontage and includes the listed building at 47 Merchants Quay.

- 1.3. The buildings are predominantly traditional in design with a mixture of render and brick walls and pitched roofs in slate. They range in heights from c.8-9 metres along Corn Market to c.4.5-13.5 metres along Merchants Quay.
- 1.4 The majority of the site, a former car sales building (and yard,) is now vacant.

## 2.0. SITE HISTORY

### 2.1. Related Planning Applications received:

- LA07/2020/0487/LBC – LB Consent under consideration
- LA07/2020/0486/DCA – CA Consent under consideration
- LA07/2019/1508/PAN – Proposal of Application Notice acceptable
- LA07/2019/1666/PAD – Pre-Application Discussion concluded

## 3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

### 3.1. The planning policy and legislative context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
- The Regional Development Strategy for Northern Ireland 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and Built Heritage



- PPS 6 Addendum – Areas of Townscape Character
- PPS 7 – Quality Residential Environments – Policy QD 1
- PPS7 Addendum – Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements
- PPS13 – Transportation and Land Use
- PPS 15 – Planning and Flood Risk
- DCAN 8 – Housing in Existing Urban Areas
- DCAN15 – Vehicular Access Standards
- Creating Places - Achieving Quality in Residential Environments
- Living Places - An Urban Stewardship and Design Guide for Northern Ireland
- DOE Parking Standards
- Newry Conservation Area booklet.

#### **4.0. STATUTORY CONSULTATIONS :**

**4.1.** A number of statutory consultations were issued during the assessment of this application. The responses are listed below :

##### **4.2. DfI Roads :**

DfI Roads require additional information and amendments before it can provide a substantive response on this application (most recent response dated 09/02/2021.)

##### **4.3. DfI Rivers Agency:**

Polices FLD1 – FLD5 of PPS15 (Revised) apply to this proposal. Rivers Agency is currently considering an Addendum to proposed Flood Risk Assessment and Drainage Assessment and the Planning Department awaits its final comments in respect of Flood Risk – see PPS15 discussion further below.

##### **4.4. Historic Environment Division:**

HED (Historic Buildings) advises that subject to conditions, the new development satisfies the requirements of paragraphs 6.13 of SPPS and policy BH11 of PPS6, subject to resolution of a number of specific details and

amendments to updated drawings to match those submitted on 12/01/2021 for LA07/2020/0487/LBC in order to confirm that the proposal also complies with paragraph 6.12 of SPPS and policies BH7 and BH8 of PPS6.

HED (Historic Monuments) 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.

#### **4.5. DAERA: (most recent comments returned 18th November 2020)**

##### **Water Management Unit (WMU)**

If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.

If NIW advise it is not possible to connect the proposed development to mains sewer then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the proposed development. Conditions included.

##### **Inland Fisheries**

No objections. The Loughs Agency is the lead body for provision of advice regarding impacts to salmonid and inland fisheries within the catchments of Lough Foyle and Carlingford Lough.

##### **Regulation Unit (Land and Groundwater Team)**

A revised Generic Quantitative Risk Assessment has been provided to assess the extent of contamination at the site, the nature and extent of unacceptable risks and whether they can be managed through a remediation strategy to support the proposed development. The planning authority currently awaits DAERA's comments on this matter.



### **Natural Environment Division (NED)**

NED having considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of this information provided, has no further concerns, attaching relevant informatives.

#### **4.6. Shared Environmental Services (SES):**

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

#### **4.7. Environmental Health (N, M and D DC):**

Environmental Health has no objections subject to the following conditions being attached to the planning decision (response dated 13<sup>th</sup> November 2020).

#### **4.8. NI Water Strategic Applications :**

Although on 19<sup>th</sup> February 2019 NI Water responded to a PDE in respect of this proposal, the information stated therein is only valid for a maximum period of 12 months. As the PDE recently expired on 19<sup>th</sup> February 2021, a further PDE is required to be submitted (in consultation with NI Water) to ensure that capacity previously identified as being available to serve this proposal, still exists.

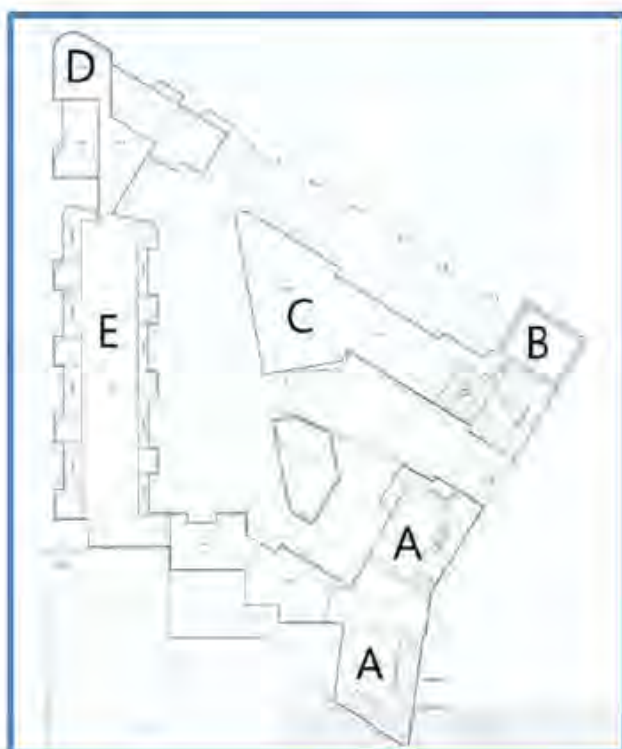
### **5.0. OBJECTIONS & REPRESENTATIONS**

**5.1.** As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press initially on 19 May 2020 (expired on 2 June 2020) and 48 neighbouring properties were notified on 21 May 2020 (expired on 4 June 2020) and 1 June 2020 (expired on 15 June 2020.). No objections have been received.

**5.2.** Neighbours notified – Corn Market Nos 4, 5, 6, 7, 8, 10a, 12, 14, 18, 19, 20, 21, 22, 23, 24, 26, 28, 30; Francis Street Nos 1, 1a, 1c, 1d, 3, 3a, 5; Merchants Quay Nos 41c, 48, 55, 55-56, 56a; Ballybot House.

## 6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** In summary, this proposal seeks full planning permission for a major city centre mixed use development scheme comprising office space, retail space, housing and a coffee bar. The site area has been confirmed as 0.404 hectares. In detail it seeks to provide: c.864 square metres of office space; 3no. retail units (518 .3 m<sup>2</sup>) with associated ancillary service yard areas; 1no. coffee bar; 73no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. The proposal incorporates the listed building located at No. 47 Merchants Quay and includes the demolition of a number of buildings at Merchants Quay within Newry Conservation Area and at Cornmarket, within an Area of Townscape Character (Cornmarket.)
- 6.2** The proposal involves a mixture of buildings and uses in 5 individual blocks, each with their own character and grouped to form a central courtyard as outlined in the diagram below for referencing the proposed detailing.



- Block A which fronts onto Merchant's Quay to the east, opposite the Newry Canal, is a mixture of 4-6 storey building combining 2 no. ground floor retail units (206m<sup>2</sup>and 247m<sup>2</sup>) and 18 no. 2-bed, apartments above. Relating to this block, there is also 1 no. additional 1bed apartment (wheelchair accessible) located at ground floor level and 2 no. 2bed at first floor level, which are



accessed from the rear courtyard and not visible from Merchant's Quay – 21 apartments in total. It has been designed as one block, providing 3 floors and a hipped mansard roof providing 1 additional floor. It has a central tower feature in random stone cladding. The remainder of the Merchant's Quay façade is a mixture of red clay brick to the south of the tower and painted render to the north. A broad arched feature provides vehicular and pedestrian access to the rear courtyard off Merchant's Quay.

- Positioned at the corner of Merchants Quay and Corn Market North, Block B has dual frontages onto both streets and comprises a 3-storey glazed office building. It adjoins an existing 3-storey listed building along Merchants Quay (No.47,) in addition to an existing 2-storey terrace block (7 building units) along Corn Market North.
- Block C is an elongated internal 3-storey office building with a flat roof and finished predominantly in red clay brick and hosts c.647.8m<sup>2</sup> office space over three floors. This office block includes an extension to the existing Listed Building at No. 47 Merchant's Quay, to be located within the courtyard, immediately to the rear of 7 existing 2-storey units fronting onto Corn Market North.
- Block D is a 5-storey corner flat roofed building at the junction of Corn Market North and Corn Market South comprising one retail unit (65.3m<sup>2</sup>) and 3 no. apartments at ground floor, together with 13 apartments over 4 upper floors (16 apartments in total, with a mix of 1 and 2 bedrooms) fronting Corn Market West. The frontage onto Cornmarket North is primarily 3 storeys, with a 'stepped' frontage and upper fourth storey set-back. The corner portion of the block comprises a strong rounded 5-storey building which turns the corner at Corn Market, opposite the existing Ballybot House. The remainder of the block fronting onto Cornmarket West drops to a largely 4-storey building a 'stepped' frontage with an upper floor set back. This frontage includes an archway pedestrian and emergency vehicle entrance to the courtyard to the rear separating blocks D and E) Block D is proposed to be finished predominantly in red multi clay brick, with painted render finish to selected areas at upper floors and access area.

- Block E continues the design and finish of Block D and comprises a 4-storey apartment block (36 units) along Corn Market West. It will adjoin a two storey commercial premises at No. 7 Cornmarket West, which currently forms the end terrace to no's 9-17 Cornmarket, which are proposed to be demolished. Beyond No.7, the existing buildings step up in height to 2.5– 3 storeys.
- The Courtyard area between the blocks, which is accessed by vehicle off Merchant's Quay comprises 11 associated car parking spaces, associated yards, bin storage and service areas together with a central belt of open space. An additional emergency and vehicle access is included off Corn Market North.

6.3 In summary, the scheme in its amended form includes the following details:

- Residential – 73 apartment units over 5 floors:
  - Ground Floor 12 units (mix 1p1b, 2p1b and 3p2b apt – including 4 no. wheelchair accessible units);
  - First Floor 20 units (mix 3p2b duplex, 3p2b, and 2b apt);
  - Second Floor 18 units (mix 3p2b, 2p1b and 2b apt);
  - Third Floor 18 units (mix 3p2b, 2p1b and 2b apt);
  - Fourth Floor 5 units (mix 3p2b and 2p1b apt);
- Retail and Commercial – 3 no. ground floor units c.518.3m<sup>2</sup>, 1 no. ground floor coffee dock c.54m<sup>2</sup>
- Office space – c.864m<sup>2</sup> office space over 3 floors

6.4. The Planning Department has assessed the proposal in the context of the planning policy and legislative context outlined above, including the statutory development plan for the area and all relevant material considerations.

6.5 On a general note, the proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 or Schedule 2 of the Regulations, being a development on lands less than 0.5 hectares, therefore an EIA determination is not required.



## 6.6 Regional Development Strategy 2035 and the Planning Act (NI) 2011

**6.6.1** Para 2.10 of the RDS outlines 8 aims for the region, including to *'support strong, sustainable growth for the benefit of all parts of Northern Ireland.'*

Noting, that *'a growing regional economy will benefit from strong urban and rural areas.'* Newry is identified as a gateway within the RDS's Spatial Framework for Northern Ireland and identified as a significant employment centre with a strong retail offering and acute hospital. It is well connected to both Belfast and Dublin being on the main road and rail links. Policy RG7 goes on to identify the need for regeneration to create more accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. Policy RG8 seeks to manage housing growth to achieve sustainable patterns of residential development. Whilst Policy RG11 identifies the need to conserve, protect and, where possible, enhance our built heritage and our natural environment.

**6.6.2** The proposal is in principle, considered to be in line with the overall policy aims of the RDS, in this regard.

## 6.7 Strategic Planning Policy Statement for Northern Ireland (SPPS)

**6.7.1.** Paragraph 2.1. of the SPPS states that the objective of the planning system *"...is to secure the orderly and consistent development of land whilst furthering sustainable development and improved well-being."* Para 3.3. states that for the planning system to further sustainable development in the long term public interest, it requires the integration and balancing of complex social, economic and environmental factors when plan-making and decision taking.

**6.7.2.** Para 3.8 directs that 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."*

**6.7.3.** The proposal includes a mix of uses including;

- Retail;
- Office;

- Residential and
- a coffee shop.

**6.7.4.** The SPPS is the lead policy with regard to the retail and commercial elements of the proposal. It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demands.

**6.7.5.** 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 SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. The SPPS identifies retail as a main town centre use.

**6.7.6** The retail and commercial (coffee shop) elements of the proposal are therefore considered consistent with the aims of the SPPS.

**6.7.7** The office element of the proposal is consistent with the SPPS as it has been identified as an appropriate use in the LDP under zoning NY85.

## **6.8. Banbridge, Newry and Mourne Area Plan 2015. (BNMAP)**

**6.8.1.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, 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.

**6.8.2.** The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015 (The Plan) as the new council has not yet adopted a local development plan. The site is located within the designated Development Limit for Newry City (NY01) in addition to the designated City Centre Boundary



(NY75) and the Primary Retail Core (NY 76). The Plan outlines that policy for the control of retail development within the Primary Retail Core is contained within prevailing regional policy. The Plan also shows the frontage to Merchants Quay within the designated Newry Conservation Area (NYCA01.) The entire site is also within a designated Area of Townscape Character (NY 108).

**6.8.3.** The majority of the site has also been designated as a Development Opportunity Site in the Plan under designation NY 85. The remainder is white land. Policy SMT 2 of the Plan Strategy and Framework is applicable for this site. This policy confirms planning permission will be granted for specified uses as well as any range of uses included within the Key Site Requirements and any specified complementary uses. Zoning NY 85 of the Plan includes a number of key site requirements:

- Any development proposals shall respect the built form of other buildings along Merchants Quay. The Merchants Quay frontage shall be a minimum of three storeys in height, to reflect the character of this part of the Conservation Area
- The frontage along Merchants Quay shall have an active ground floor facade;
- Development proposals fronting Cornmarket shall respect the built form, scale and appearance of the adjacent Area of Townscape Character (NY108)

**6.8.4.** The sub text to the policy designation also states that the site would have redevelopment potential if the existing business was to relocate away from the city centre. Retail, office, commercial, leisure and cultural uses together with a residential element would be considered suitable land uses.

**6.8.5** The retail and commercial (coffee shop) aspects of the proposal are in line with Plan requirements in that the proposed retail development is within the Primary Retail Core (PRC.) Development proposals within Primary Retail Cores (PRC) will be assessed in the context of prevailing regional planning policy and the Plan proposals.

- 6.8.6.** The site is currently vacant following the re-location of the previous car showroom. The basis for the application and the nature of the proposed uses would reflect the plan's key site requirements for this Development Opportunity site.
- 6.8.7.** The Strategic Plan Framework also notes that new town centre housing can be accommodated on appropriate Development Opportunity Sites and it is also promoted through the Living over the Shop (LOTS) initiative. The proposal fits with the overall spirit of the Strategic and Local Plan Framework in this regard.
- 6.8.8.** The additional site designations identified by the Plan under NYCA01 – Conservation Area, NY108 (ATC,) NYAAP01 Area of Archaeological Potential and NY 114 Local Landscape Policy Area Newry Canal/River are considered separately below under the respective subject areas.
- 6.8.9** With no distinct differences between the SPPS and the retained policies and the retained policies being the more prescriptive text, the lead policy consideration for the application will be the retained policies as expanded upon below.

## **7.0 ASSESSMENT**

- 7.1** On a general note, following an initial assessment of the scheme, the Planning Department sought a number of changes to the proposal in October 2020 and at a follow up formal meeting in November 2020. These included the height and elevational treatments of a number of the blocks fronting Corn Market, including proposed the corner building; impact on adjacent properties; design and detailing of the proposed block fronting Merchants Quay and fronting Merchants Quay and Cornmarket; materials, including the use of brick; and levels of car parking proposed;
- 7.2.** Additional information was also requested in respect of; flood risk, natural heritage, sewerage, land contamination, noise / odour pollution and an amended application form reflecting the amended scheme, to enable the Planning Department to fully assess these matters, in consultation with the relevant statutory consultees.



**7.3.** A number of amendments have been made to the scheme originally submitted and additional information provided. These included a reduction in the size and scale of the proposal to include a reduction in the height of a number of blocks. The amended proposal also included design changes and detailing.

**7.4.** The amendments and relevant changes included the following:

- a reduction in size of the central office accommodation as well as a recessing of entire block to reduce impact on the adjacent row of terraced units at Cornmarket north;
- access details and also the inclusion of pedestrian, vehicular and emergency vehicle access details;
- The ground floor plan has been amended to reflect the revised block plan with revised office accommodation layout to the rear of the glazed atrium and inclusion of additional open landscaped space between the office accommodation and the terraced units;
- Both the first and second floor plans have been amended to reflect new office accommodation layout to the rear of the glazed atrium, with the third-floor plan amended to illustrate the removal of a hipped roof over the office block (Block C) which is now replaced with a flat roof;
- The fourth floor has been amended to remove of 1no. 3P2B residential unit from the North East corner block facing Ballybot House;
- The fifth floor has been completely removed from the scheme, reducing the number of residential units to 73;
- Revisions to elevations as per the revised floor plans, along with amendments to (1) mansard window surroundings on the south end of the Merchant's Quay elevation, (2) the external appearance of the glazed corner office building, (3) the reduction in height of the office accommodation along Cornmarket North, (4) the reduction in height on the corner tower on Cornmarket.

**7.5** Additional information has also been submitted to include;

- Addendum to Flood Risk and Drainage Assessment;

- Preliminary Contaminated Land Risk Assessment and further Generic Quantitative Risk Assessment (land contamination,)
- Preliminary Ecological Appraisal & Bat Emergence Survey (biodiversity;
- Vehicle turning details (3no. drawings,) an updated Service Management Plan, Travel Plan & Transport Assessment Form

## 8.0 ASSESSMENT OF AMENDED SCHEME

### 8.1 **Conservation Area (CA) and Area of Townscape Character (ATC)– SPPS, PPS6 and PPS6 Addendum**

Part of the site (Merchant's Quay frontage) is located within Newry Conservation Area, as identified by designation NYCA01 of the Plan. Para. 6.18 of the SPPS directs that in managing development within a designated Conservation Area, *"...the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise."* Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle.

- 8.1.1. Development proposals within the Conservation Area will be assessed in accordance with prevailing regional policy; which in this case includes PPS6 and Newry Conservation Area (DOE NI), December 1992. The matter of demolition is considered separately under LA07/2020/0486/DCA.
- 8.1.2. Policy BH12 of PPS6 considers new development in a Conservation Area and directs that development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area will normally only be permitted where all of the listed criteria (a to g) are met, highlighting the requirement to preserve or enhance the character and appearance of the area: The Conservation Area Guide highlights that attention to detail is a vital consideration, and successful development will depend on the use of correct colours, bonding and jointing of brickwork, and detailing
- 8.1.3. In addition to CA considerations, the proposal involves the demolition of 5 existing terrace buildings (No's 9-17 Cornmarket) along Cornmarket west,



which are part of the ATC under designation NY108 of the Plan (BNMAP 2015.) Under Policy ATC1 of PPS6 Addendum, the demolition of an unlisted building within the ATC will only be permitted where the building makes no material contribution to the distinctive character of the area.

- 8.1.4.** The plan identifies Cornmarket as an area that retains a traditional urban character and comprises a mixture of building sizes, scales, uses and types, including Ballybot House that dominates the area. Whilst there is an established streetscape formed by the existing two storey terrace, it is considered, in their present form they don't offer a material contribution to the distinctive character of the ATC and the proposal for their demolition is acceptable, subject to a pre-agreed redevelopment of the site, appropriate to the ATC and CA.
- 8.1.5.** Under Policy ATC2 of PPS6 Addendum, proposals for new development in an ATC will only be permitted where the development maintains or enhances its overall character and respects the built form of the area.
- 8.1.6.** In considering both the CA and ATC requirements noted under the SPPS, PPS6 and Addendum to PPS6, in addition to the design guidance of Newry Conservation Area Guide, the amended scale and design is considered generally acceptable to the character of both the CA and ATC.
- 8.1.7.** Whilst the scale of Blocks D and E have been reduced, there are some remaining concerns as to how those overall blocks will relate to the surrounding ATC and CA context, and in particular the lower scale of development along Corn Market west. There are additional concerns around the selection of materials at present and in particular the extensive introduction of red brick along the Corn Market North and West frontages, which when combined with the relatively narrow streetscape and introduction of 4/ 5 storey development, may be overbearing and inappropriate to the current context where Ballybot House currently dominates in stone finish. It is also considered that the use of brick on the Merchants Quay frontage, on such a large scale, is inappropriate.

- 8.1.8.** It is recognised however that these matters can be addressed through an agreed palette for external finishes and detailing and on balance, the amended and reduced scheme would enhance the character of the ATC as existing, and would maintain and enhance this part of the CA, conditional to an agreement of external finishes and specific brick work.
- 8.1.9.** HED has considered the impact of the proposed development on the Listed Building at 47 Merchant's Quay, as required by SPPS and Policy BH11 of PPS6. HED advise that subject to conditions, the new development satisfies the requirements of paragraphs 6.13 of SPPS and policy BH11 of PPS6, however, updated drawings are required to match those submitted 12/01/2021 for LA07/2020/0487/LBC in order to confirm that the proposal also complies with paragraph 6.12 of SPPS and policies BH7 and BH8 of PPS6. The requested conditions are outlined at the end of this report and also include the request for material samples for Block B, given its proximity to the listed building at 47 Merchants Quay (to comply with Policy BH11.)
- 8.1.10.** HED raised concerns about the scale of the proposal and the impact within the Conservation Area, in particular the corner block while acknowledging that it is sited at a distance from the listed building. It also raised concerns on the relationship of the corner element to Block D and Ballybot House, which although not listed, is of some heritage value and is a prominent building in this part of Newry. It acknowledged that the proposal is on the opposite side of the road, so there is some scope for compromise in this regard.
- 8.1.11** The above issues were considered by the Planning Department as part of its assessment and it is concluded that whilst a 4-storey corner building may be more appropriate to Block D, the proposal must be considered in the context of Ballybot House, opposite and on balance a flexible approach can be adopted in this specific context.
- 8.1.12.** It is also acknowledged that the height of the central office block has been reduced which will reduce the impact on the adjacent terrace in Corn Market North. On balance, given its City Centre location, this aspect of the Proposal can be accepted.



**8.1.13** It is further noted that the matters of demolition within the Conservation Area and proposed works to the Listed Building at 47 Merchant's Quay are considered separately under respective applications LA07/2020/0486/DCA (Conservation Area Consent) and LA07/2020/0487/LBC (Listed Building Consent.)

**8.1.14** In summary, conditional to an agreed a palette of external finishes appropriate to the ATC and CA context, the amended scheme is considered, on balance, to be acceptable to the requirements of the SPPS, PPS6 (BH11, BH12) and PPS6 Addendum) This matter will be dealt with by condition.

**8.2. Archaeological Considerations – Planning Policy Statement 6 (PPS6)**

The site is located within an Area of Archaeological Potential under designation NYAAP01 of the Plan. Vol 1 of the Plan directs that the policy for the protection of archaeological remains is contained in PPS 6.

**8.2.1.** HED Historic Monuments having considered the proposal, 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.

**8.2.2** In summary, the proposal is satisfactory to the SPPS and PPS6 archaeological requirements, subject to the attached conditions being met, which are detailed at the end of this report.

**8.3. Residential Development - PPS7/PPS8/PPS12 DCAN 8/ PSRNI**

The scheme in its amended form relates to 73 no. new apartments, set over three Blocks (A, D and E,) with 18 units along Merchant's Quay, 3 units within the courtyard area and 52 units along Cornmarket North and West.

**8.3.1.** Under PPS7, planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality

and sustainable residential environment – policy QD1 goes on to list the criteria (a to i) which must be met. Following assessment of the initial scheme, a number of concerns were raised by the Planning Department as noted above, which in the policy context of QD1 raised concerns against criteria a) b) and f), g) and h.) An amended scheme has since been submitted as outlined, with further assessment of QD1 below:

- 8.3.2** a – b) In assessing the amended scheme against criteria a) and b) of Policy QD1, the concerns relating to the scale, massing and relationship of the scheme within the context of adjoining listed building, conservation area and ATC have been addressed, subject to an agreement of palette of external finishes, which will be conditioned (criteria a and b are met.)
- 8.3.3.** c) In addition to criteria c) of QDQ, Policy OS2 of PP8 sets out a requirement for public open space to be integral to new residential development of this scale, with the normal expectation for a minimum of 10% of the site area, which in this case is 400m<sup>2</sup>. The scheme includes a central area of open space within the courtyard, measuring 479m<sup>2</sup>. The public open space provision is considered to meet the required criteria set out in OS2. As no Landscape Management Plan has been provided to detail how this area will be managed, a condition will be necessary to ensure this area is maintained in perpetuity.
- 8.3.4.** 'Creating Places' sets the guidance for private amenity space provision, which for higher densities and apartment development such as this, may be provided in the form of privately maintained communal gardens. These can create focal points in the layout and provide effective space to contrast with the high-density buildings. In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10m<sup>2</sup> per unit to around 30m<sup>2</sup> per unit. However, the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Having regard to the inner city location of development and proximity to existing recreational facilities, including the canal corridor and walkway, the proposed level of open space provision is considered acceptable to the nature of development and site context and is acceptable to both criteria c of QD1 and OS2 of PPS8



- 8.3.5. d)** Whilst there is no specific requirement to provide neighbourhood facilities as an integral part of the development, the scheme includes 3 ground floor retail units, one of which will be a coffee shop. The development will encourage and support city centre living, in addition to Living Over The Shop.
- 8.3.6. e)** The proposed layout incorporates a vehicular access off Merchant's Quay and pedestrian access points both off Merchant's Quay and Cornmarket West, with additional apartment access where shown to increase permeability and pedestrian connectivity through the site. Bicycle Parking has been provided for within the courtyard area to encourage sustainable form of movement and around the city centre. Roads have raised concerns regarding pedestrian safety at vehicular access points and have requested further amendments. Provided these are addressed, criteria e) of QD1 can be met.
- 8.3.7. f)** Further to amendments and additional information received, the proposed parking provision remains a significant concern with the proposal. As this forms part of a wider consideration and assessment under PPS3 and PPS13, criteria e) of QD1 is further considered below.
- 8.3.8. g)** As highlighted, the amended design is considered appropriate to the site's ATC and CA context, subject to agreement of external finishes.
- 8.3.9. h)** The Planning Department are content that the reduced scale of Block C will prevent any conflict with the existing two storey buildings along Corn Market (north) and addresses earlier concerns raised in respect of residential amenity. No objections or third-party representations have been received to date in this regard. There are no Environmental Health objections subject to conditions being attached to mitigate against any potential noise, odour or land contamination effects in the interest of public health and residential amenity.
- 8.3.10. i)** The layout has been designed to promote personal safety and deter crime, with a secure courtyard area for residents to the rear and overlooking of residential properties along both Merchants Quay and Cornmarket (north and west) to encourage natural surveillance.

**8.3.11.** The proposed residential units meet the minimum space standards for urban apartment development as set out in Annex A of PPS7 Addendum – Safeguarding the Character of Established Residential Areas. Owing to the inner city centre location, the further criteria of Policy LC1 of this Addendum are not applicable to this assessment. The design led approach that has been followed is in general accordance with DCAN8 'Housing in Existing Urban Areas' and Policy DES2 'Townscape' of the PSRNI.

**8.3.12** PPS12 Housing in Settlements also applies: The proposal is in accordance with the spirit of PPS12 in that;

- In line with PCP1, it promotes an increase in density within the city centre, forming part of a major mixed-use development.
- The design, as considered under PCP2 of this policy has been considered and subject to conditions, is considered to present a high-quality design solution on this development opportunity site.
- PCP3 is also met in that the scheme represents a sustainable form of development through the reuse of brownfield land, concentrated within the city centre with a clear design concept to increase footfall and movement throughout the site and surrounding area.
- The scheme also promotes LOTS (Living over the Shop) as considered under HS1 of this policy and will contribute to the vitality of the city centre in this regard.
- There is no identified need for social housing on this site, however a mix of 1 and 2-bedroom apartments are provided (private and social,) ranging from 1p1b, 2p1b, 3p2b and 2b duplex apartments, as promoted by Policy HS4.

**8.3.13** In summary, subject to the attached conditions being met (including the need to address the parking requirements,) the amended scheme would be considered to comply with the following policies: PPS7 (Policy QD1,) PPS7 Addendum (Annex A,) PPS8 (Policy OS2,) PPS12 (Policies PCP1, PCP2, PCPC3, HS1, HS4) DCAN8, PSRNI (DES2) and 'Creating Places.'



## **8.4 Retail, Office and Commercial Development**

- 8.4.1** As referenced, the proposed retail, office and commercial (coffee shop) elements in principle, fit within the wider economic and sustainable development objectives of the SPPS and RDS.
- 8.4.2** In considering the detailing, Policy DGN1 of Volume 1 of the Plan requires new security shutters to be fully integrated into the frontage of the building at the initial design stage, with the shutter box recessed behind the fascia, and the guide rails concealed within the shop front surround or window reveals. A condition has been added to this effect to protect the character of the Conservation Area and Area of Townscape Character.
- 8.4.3** Proposed shuttering in the form of new sliding timber doors to the 3<sup>rd</sup> commercial unit (coffee shop) within the listed building at no. 47 Merchant's Quay is considered separately under respective LBC application LA07/2020/0487/LBC.

## **8.5. Natural Heritage - Planning Policy Statement 2(PPS2)**

### **8.5.1 Policy NH1 - European and Ramsar Sites - International**

A Habitats Regulations Assessment screening was undertaken by the Planning Department, which indicated that the site is potentially hydrological linked to Carlingford Lough Ramsar and Special Protection Area via Newry Canal corridor.

- 8.5.2.** The application was subsequently 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 on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

### **8.5.3. Policy NH 2 - Species Protected by Law and Policy NH5 - Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance**

DAERA's Natural Environment Division (NED) raised initial concerns with the proposal in respect of Habitats Regulations and Planning Policy Statement 2 and the SPSS that the development would be likely to harm bats and insufficient information has been submitted to establish otherwise. NED also noted no ecological information was submitted with the application, such as a NI Biodiversity Checklist. Further information was requested in the form of :

- Biodiversity Checklist;
- Bat Roost Survey;
- Clarification on whether any birds are using the site for nesting.

**8.5.3.1** A Preliminary Ecological Appraisal (PEA) and Bat Emergence Survey were subsequently carried out and submitted to NED for further consideration who conclude that the proposal is acceptable to PPS2 and SPSS requirements in this regard, with initial concerns addressed by this additional information.

### **8.5.4 Policy NH 3 - Sites of Nature Conservation Importance -National**

The site is also hydrologically linked to Carlingford Area of Special Scientific Interest ASSI (National designation) via the Newry Canal / River corridor, however NED is content that there is a sufficient buffer between the site and canal and the proposal is unlikely to have significant effects on the designated sites provided all relevant Guidance for Pollution Prevention measures are followed, which will be dealt with by relevant conditions / informatives as necessary.

### **8.5.5 Policy NH 4 - Sites of Nature Conservation Importance – Local**

The site directly adjoins a Local Landscape Policy Area, under designation NY114 (Newry Canal / River) of the Plan. Identified features that contribute to the environmental quality, integrity or character of this LLPA are listed in the Plan as:

- 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.

**8.5.5.1.** Policy CVN3 within Volume 1 of the Plan further identifies that where proposals are adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA. Given the location of the development in relation to the River corridor, provided the attached conditions are met in respect of natural heritage, listed building and archaeological requirements, the proposal would not affect the integrity of this identified LLPA.

**8.6. Access Movement and Parking, - Planning Policy Statement 3 (PPS3), Transportation and Land Use - Planning Policy Statement 13 (PPS13) and Vehicular Access Standards - Development Control Advice Note 15 (DCAN15)**

**8.6.1 Access and Road Safety**

DfI Roads has been consulted with regard to PPS 3 requirements and the following information has been submitted by the applicant to date for consideration:

- Service Management Plan (dated March 2020)
- Travel Plan
- Transport Assessment Form
- Car Parking Appraisal

**8.6.2.** The most recent response from DfI Roads dated 9<sup>th</sup> February 2021 requests a number of further items as follows:

- An amended 1:1250 scale location plan clearly showing all lands outlined in red required to construct the required visibility splays of 2.0m x 33m on both Merchant's Quay and Corn Market (West) and any other associated works;
- An amended 1:200 scale site plan clearly showing:
  - Gates at Merchant's Quay access set back a minimum of 5m from the edge of the public road

- Accesses at both Merchant's Quay and Corn Market (West) to be 6.0m wide and include a segregated Pedestrian footway
  - Provide Pedestrian protection at vehicular accesses
  - Provide one-way sign erected opposite the Merchant's Quay access indicating flow of traffic
  - Bin collection point to be clear of the footway and visibility splays and internal bin storage to be clear of vehicle access points;
- A Transport Assessment showing the impact of traffic generated by the proposed application on the local public road network within the Merchant's Quay area. The Transport Assessment should include the following:
  - The connection between the TRICS sheets and TABLE 2 be shown and the missing Table 1 referred to in the Transport Assessment Form included Distribution and assignment of the proposed development trips should be considered
  - Consultant to establish the area of influence using a 5% or 10% threshold- this will need to be justified
  - Junctions exceeding threshold should be modelled using Departmental Approved programmes and assessed on year of opening and 10/15 years after opening
  - Medium growth rates should be applied to the base year survey data and data collected during the COVID-19 pandemic be factored and justified
- Parking provision should be accordance with the Parking Standard guidelines- can Planning please confirm the number of parking spaces required for the proposed development.
- The Parking Survey should take into account the already committed development which has allocated some of the on-street & public car park spaces
- A Road Safety Audit and Exception report should also be included clarification from the Planning Department on its view on the requirement for the level of off-street parking to be provided.

**8.6.3.** A footnote to this response from Roads requests that the Planning Department clarifies any previously approved committed development, with regards on-street/ public car park that would be associated with the development which



the applicant needs to take into consideration. Given the timing of the above comments, this is an ongoing matter to be resolved.

- 8.6.4.** Given the timing of this response, the above matters and consideration of PPS3 and PPS13 requirements remain unresolved and under consideration.

## **8.7. Car Parking Provision**

In summary the amended scheme proposes c.864 square metres of office space; 3no. retail units with associated ancillary service yard areas; 1no. coffee bar; and 73no. residential units (private and social). The level of car parking to be provided as part of a development scheme is a matter for the Planning Department to determine as part of its assessment of a planning application (PPS3 Policy AMP7.) Guidance on appropriate car parking provision is provided in published 'Parking Standards' and 'Creating Places-Achieving Quality in Residential Developments' and is a material consideration for the Planning Department.

- 8.7.1** The scheme proposes 11 (off street) car parking spaces to be within site, located in the central court yard area. The applicant originally stated that a total of 278 car parking spaces are required to serve the original proposal, (121 apartments, 157 for retail and offices). This represents a deficit of 267 spaces. It is stated that the development proposes to provide 11 in curtilage spaces and it anticipated that during the peak periods of residential parking demand (i.e. Weekdays before 0700 and after 1900), that the remaining 110 spaces will be accommodated in public car parking areas.

- 8.7.2** Based on the car parking standards the total car parking requirement for the amended and reduced scheme is estimated at 198 spaces.

This calculation is based on the following figures:

- Residential: 107 unassigned spaces - 9 x 1.25 (1b apts) plus 62 x 1.5 (2b apts)

- Office: 864 m<sup>2</sup> 43 non-operational spaces (1 space per 20 m<sup>2</sup>)
- Retail: 26 Non food non-operational ( 1 space per 20 m<sup>2</sup> GFA) OR 37 Food retail non-operational (1 space per 14 m<sup>2</sup> GFA)
- Sui Generis (coffee bar): 11 non-operational (1 space per 5 m<sup>2</sup> NFA)

This represents a deficit of 187 spaces.

**8.7.3.** The above calculations are based on the assumption that the retail units are to be food retail. If they are non -food then the requirement would be 188 spaces.

**8.7.4** The parking survey provided, in support of the application, anticipates a deficit of 110 spaces during the peak periods of residential parking demand (i.e. Weekdays before 0700 and after 1900), and states that the remaining spaces will be accommodated in public car parking areas.

**8.7.5** The parking survey report suggests to apply full parking standards to a development within a city centre is an over representation of the requirement, as residents, staff and visitors will be able to avail of the existing sustainable transport options that are available and concludes that that there is an abundance of on-street car parking available to accommodate the proposed development during peak times in close proximity to the site.

**8.7.6.** Whilst it is accepted that the required off street parking provision cannot be accommodated within the extent of the submitted site boundary and a degree of flexibility can be applied to accommodate a reduced car parking capacity owing to the nature and location of the proposed development; the Planning Department do not have satisfactory evidence or information (by way of formal agreements or otherwise) in place to demonstrate how the parking deficit can adequately be met elsewhere in order to set aside the requirements of PPS3 Policy AMP7, Parking Standards and Creating Places.

**8.7.7.** In summary, the matter of car parking provision remains unresolved and must be addressed prior to any commencement of the development hereby proposed. A condition to this effect will follow at the end of this report to ensure the requirements of PPS3, Parking Standards and Creating Places are met.



## **8.8. Planning and Flood Risk - Planning Policy Statement 15 (Revised) (PPS15)**

### **8.8.1 FLD1 – Development in Fluvial Flood Plains.**

The application site lies within the 1 in 100 year fluvial floodplain and the 1 in 200 year coastal flood plain.

**8.8.1.1** On the basis that the proposal meets the exceptions test to FLD1, given the nature of the proposal and the unique site circumstances, a Flood Risk Assessment (FRA) has subsequently been submitted to and appraised by DfI Rivers Agency. However it advises that the FRA fails to demonstrate how the proposals will affect the current flow direction, any loss of flood storage within the flood plain as a result of the development, the likely impact of any displaced water and any assessment of increased run-off from the development site that may have consequences for neighbouring or other locations. An addendum to the FRA has since been submitted to Rivers Agency for its further consideration and the Planning Authority currently await its comments on this matter to determine whether the requirements of Policy FLD1 are met.

### **8.8.2 FLD2 – Protection of Flood Defence and Drainage Infrastructure**

There is a designated culverted watercourse that flows through this site, known as the Derrybeg River. In accordance with Revised PPS 15, FLD 2 (point 6.32), a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. Rivers Agency notes that the applicant is in discussions with DfI Rivers and NI Water as a means to diverting this watercourse and that if this watercourse is diverted, then the requirements above of FLD2 of PPS15 will no longer apply.

**8.8.2.1.** The submitted FRA indicates that the proposal is to divert this culverted watercourse into Merchant's Quay to facilitate development on the site and avoid developing over the existing sewer network. Schedule 6 Consent will be required from DfI Rivers for these works. The FRA indicates that an application has been made to DfI Rivers under application reference IN1-19-13877- Email correspondence from DfI Rivers suggests there is a query over whether the

matter of directing this culverted watercourse rests with NI Water or DfI Rivers Agency. The Planning Department do not have confirmation on this matter to date.

- 8.8.2.3** Therefore conditional to the agreement and consent for the diversion of the existing watercourse from the relevant authority, the requirements of FLD2 can be met.

**8.8.3** FLD3 – Development and Surface Water

To fully assess the Drainage proposals, further information was requested by Rivers Agency, in the form of a confirmation letter from NI Water to discharge surface water runoff from the proposed site into their storm outfall sewer (As indicated in the Flood Risk & Drainage Assessment.) This matter has been addressed via an Addendum to the Drainage Assessment which includes a PDE from NI Water dated 19th February 2020, which notes that there is a 300mm diameter public storm sewer which can serve this proposal. As this PDE is only valid for a period of 12 months however, further consultation with NI Water is required to ascertain whether this position has changed. The Planning Department await comments from Rivers Agency at present on the contents of the Addendum to the Drainage Assessment and FLD3 requirements.

**8.8.4** FLD4 – Artificial Modification of Watercourses

Under FLD 4, of Planning Policy Statement 15, Planning Service will only permit artificial modification of a watercourse in exceptional circumstances. This application is considered an exception to policy FLD 4 due to the nature of the proposal and the unique site circumstances. Any artificial modification approved by Planning Department will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973. The applicant is currently in discussions with DfI Rivers and NI Water as a means to divert this watercourse and should submit the appropriate evidence of consent to carry out the works once/if received.

Therefore conditional to the agreement and consent for the diversion of the existing watercourse from the relevant authority, the requirements of FLD4 are met.



#### **8.8.5 FLD5 - Development in Proximity to Reservoirs.**

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

#### **8.8.6 Sewerage Proposals and Capacity**

DAERA Water Management Unit has concerns that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Newry Waste Water Treatment Works (WWTW). It advises that the Planning Department consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded.

**8.8.6.1** The Planning Department sought clarification from NIW as to the WWTW capacity for this development. In a PDE from NI Water dated 19<sup>th</sup> February 2020, NI Water advise that the receiving Waste Water Treatment facility (Newry WwTW) has sufficient capacity to serve this proposal providing there is a like for like discharge.

**8.8.6.2.** NIW has confirmed that as the current PDE from NI Water is valid until the 19th February 2021, a further PDE is required to determine whether there is current capacity to serve the proposed development via the existing sewerage infrastructure / network or whether upgrading works are required.

#### **8.9. Land Contamination**

The proposal involves the removal of an existing Underground Fuel Storage Tank (UST) from the site. Following a request from DAERA, a Generic Quantitative Risk Assessment (GQRA) been provided and submitted to DAERA for their assessment. The Planning Department currently await their comments on this matter and clarification as to whether the UST or the wider proposal would have significant adverse impacts on the water environment.

- 8.9.1** The Council's Environmental Health Department is responsible for assessing impact to public health. Clarification was requested on the removal of the UST. Following this clarification, Environmental Health advise it has no objections subject to conditions.

## **9.0. RECOMMENDATION:**

- 9.1.** Approval in principle, subject to the following matters being addressed prior to determination or commencement of development as approved:

- Prior agreement of external finishes / palette of materials;
- Acceptable parking provision either by condition or prior consent;
- Substantive comment from DfI Roads in respect of PPS3, PPS13, DCAN15 and Creating Places requirements;
- A further PDE from NI Water is required to establish whether there is available capacity from the existing sewer and drainage network to serve the proposal;
- Consent from either DfI Rivers (Schedule 6) or NI Water as appropriate, for the diversion of culverted Derrybeg River into Merchant's Quay;
- Rivers Agency determination on Addendum to FRA and DA and final response to PPS15 (revised) requirements;
- DAERA Regulation Unit determination on GQRA in respect of land contamination and impact on water environment;
- The necessary Conservation Area Consent and Listed Building Consent and is obtained via approval of respective applications LA07/20has 20/0486/DCA and LA07/2020/0487/LBC.

## **10.0 SUGGESTED PLANNING CONDITIONS (SUBJECT TO AMENDMENT)**

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

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

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



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

3. No development shall commence until satisfactory arrangements are put in place, and agreed in writing with the Planning Authority, for the provision of 187 car parking spaces to serve the development hereby approved within the Newry City Centre Boundary as identified on Map No 3/02a and Map No 3/02b of the Banbridge, Newry and Mourne Area Plan 2015 and retained for such purposes thereafter.

REASON: To ensure an appropriate level of car parking provision and in the interest of road safety

4. Prior to commencement of the development hereby approved, a detailed schedule of all external finishes shall be submitted to (including samples of all proposed clay brick) and agreed in writing by the Council's Planning Department.

REASON: To ensure the proposed finishes are in keeping with the character of the surrounding area, including Newry Conservation Area and Cornmarket Area of Townscape Character.

5. When a contractor is appointed, a detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

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

Reason: To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

7. The appointed contractor must submit a Construction Method Statement (CMS) for approval by Newry City, Mourne and Down District Council Planning before commencement of any works on site. This CMS must contain site specific environmental mitigation that will protect the adjacent water environment from polluting discharges during construction phase.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase.

8. All facades (except block 2 east façade) being provided with double glazing as a minimum 4/12/4 providing 31 dB Rw.

REASON: In the interest of public health and residential amenity.

9. Block 2 east façade having double glazing 12/20/6 to provide 42dB Rw,

REASON: In the interest of public health and residential amenity.

10. The incorporation of an acoustic ventilation system (with an equivalent sound reduction index of 42/31 dB Rw) into the proposed dwellings.

REASON: In the interest of public health and residential amenity.

11. a minimum of 200mm depth in the separating floor between the ground retail and the first-floor accommodation to give adequate sound reduction.

REASON: In the interest of public health and residential amenity.

12. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme that will be presented, development on the Site shall cease 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 the Environmental Health Department of Newry Mourne and Down District Council).



REASON: In the interest of public health and residential amenity.

13. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED of a Fire Safety Strategy for the listed building for the duration of the works. The works shall be carried out in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

14. Prior to commencement of works to the listed building details shall be submitted and approved in writing by the Council in conjunction with HED showing the internal areas to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained. Such details shall include a condition survey, prepared by a structural or building engineer experienced in working with listed buildings, which should identify:

- a) structural defects (including timber king post roof structure, floor joists, etc.);
- b) proposed conservation led remedial works (e.g. spliced repairs);
- c) a method statement demonstrating how the proposed structural works will be undertaken, and outlining how the listed building will be protected, during construction (including foundations and any piling) and demolition work.

The work shall be carried out fully in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

15. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

- 16.No new grilles, shop shutters security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the buildings hereby approved other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011 and the Conservation Area and Area of Townscape Character.

- 17.Following completion of the tap test to the front elevation and investigation works to rear elevation of the listed building, drawings clearly identifying exact proposals for indent repairs, mortar repairs, etc. to existing stonework shall be submitted for approval by the council in conjunction with HED. A stone sample shall also be provided for approval in writing.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 18.All works of making good to the existing stonework shall be finished exactly, to match the adjacent original work and all mortar and render repairs shall be breathable and lime based, i.e. with no cementitious additives.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 19.New plaster and render shall be lime based with no cement-based additives and shall be finished with limewash. Natural breathable paints may be used as an alternative where specifically agreed.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 20.All salvageable material shall be retained and reused, utilising as much of the original material as possible.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.



21. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.  
REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

22. Construction details of the following interventions to the listed building, at a minimum scale of 1:50, shall be submitted for approval in writing by the council in conjunction with HED prior to commencement of the relevant works:
- a. Secondary glazing;
  - b. Timber panelling (ground floor); and
  - c. First and second floor upgrade to provide 1-hour fire resistance.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

23. A prototype of each different window shall be submitted for approval in writing by the council in conjunction with HED prior to wholesale fabrication; glazing shall be fixed in place with putty; there shall be no visible trickle vents; and the final coat of paint on all external joinery shall be applied on site (i.e. not factory finished).

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

24. No work shall commence on site until demolition method statements, detailing how the demolitions will be carried out to, and around, the listed buildings without adversely affecting its structural stability and without damaging the historic fabric proposed for retention, has been submitted to and agreed in writing with the Council in conjunction with HED, and all work shall conform to the agreed method statement.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

25.No work shall commence on the corner building at No.46 Merchant's Quay until samples of all finish materials for the walls, glazing system, external doors, balustrades, roofs, including plant enclosures and rainwater goods have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

26.No work shall commence on public realm improvements / landscaping until detailed proposals and samples of all finish materials and lighting fixtures have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

27.No new signs, advertising cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved without prior consent from the Council as appropriate.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011 and to protect the character of the surrounding area, including Newry Conservation Area and Cornmarket Area of Townscape Character.

28.No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by [THE



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.

29. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition L15a.

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

30. 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 L15a. These measures shall be implemented and a final archaeological report shall be submitted to [THE COUNCIL] within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with [THE 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.

31. A comprehensive landscape Management Plan shall be submitted to and approved by the Council within three months from the date of this planning decision.

REASON: To maintain the open space in perpetuity and in the interest of visual and residential amenity.

**Case Officer:**

**Date:**

**Authorised Officer:**

**Date:**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0486/DCA

**Date Received:** 20 March 2020.

**Proposal:** Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area)

**Location:** Nos 46/49/50/51/52/53 & 54 Merchants Quay, Newry

## **1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:**

- 1.1. The application site relates to a number of disused commercial buildings along Merchant's Quay within the Conservation Area, with the street frontage ranging between 2/3 storeys in height. No 46 Merchant's Quay, sits in a corner site between Merchants Quay and Cornmarket (north,) and is adjoined to a Listed Building at No.47 Merchant's Quay. No's 49-54 Merchant's Quay relate to a former car sales building which is now vacant. This block adjoins additional commercial buildings to the north and south which are not within the application site.

## **2.0. SITE HISTORY**

### **2.1. Related Planning Applications received:**

- LA07/2020/0485/F – under consideration
- LA07/2020/0487/LBC – under consideration
- LA07/2019/1508/PAN – Proposal of Application Notice Acceptable
- LA07/2019/1116/PAD –PAD concluded

## **3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS**

### **3.1. The planning policy and legislative context for this application is provided by:**

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 6 – Planning, Archaeology and Built Heritage
- Newry Conservation Area Guide

## **4.0. STATUTORY CONSULTATIONS**

### **4.1. No consultations were necessary for this assessment.**

## **5.0. OBJECTIONS & REPRESENTATIONS**

### **5.1. As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press initially on 19 May 2020 (expired on 2 June 2020.) There is no statutory requirement to issue neighbour notification letters for Conservation Area Consent.**

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

### **6.1. This proposal seeks consent to demolish the above properties as part of a proposed redevelopment scheme being considered under LA07/2020/0485/F and LA07/2020/0487/LBC.**



- 6.2 The site is located within Newry Conservation Area as defined in the Banbridge, Newry and Mourne Area Plan 2015 under designation NYCA01. There are no objections to the proposal with regard to the Area Plan / SPPS. Prevailing weight is attached to PPS 6 in this assessment.

### 6.3 PPS 6 policy BH 14 Demolition in a Conservation Area

- 6.3.1. The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.



No's 49-54 Merchant's Quay (white building.)



No.46 Merchant's Quay (corner building.)

- 6.3.2 Whilst the existing buildings offer a contribution to the streetscape in terms of scale, form and massing, arguably the detailing does not in itself make a positive contribution to the Conservation Area. The demolition of No's 46 and

49-54 Merchant's Quay would in my opinion, be acceptable subject to an appropriate redevelopment scheme being agreed prior to demolition. Any proposed redevelopment should reflect the scale and character of the existing and surrounding buildings, including the Listed Building at No.47 Merchant's Quay in addition to the character of Newry Conservation Area.

- 6.3.3. A proposal to redevelop this site is considered under application reference LA07/2020/0485/F and LA07/2020/0487/LBC as part of a wider regeneration proposal along Merchant's Quay and Corn Market. Following amendments and subject to conditions being met, an agreeable design solution has been met.

#### **7.0. RECOMMENDATION:**

Consent granted (conditional to approval of LA07/2020/0485/F and LA07/2020/0487/LBC.)

#### **8.0 PLANNING CONDITION**

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.

**Case Officer:**

**Date:**

**Authorised Officer:**

**Date:**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0487/LBC

**Date Received:** 20 March 2020.

**Proposal:** Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.

**Location:** No. 47 Merchants Quay, Newry

## **1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:**

**1.1.** The application site relates to the building at 47 Merchant's Quay, a three-storey warehouse set in a terrace fronting Merchant's Quay. The Building holds a Grade B2 listing, described as a commercial building characteristic of its time and the heyday of maritime trade from Newry. It is the least altered of all the canal side warehouses which once dominated Merchant's Quay, with its characteristic in-line loading doors, and use of local building materials.

- 1.2. The site and building adjoin further buildings along Merchants Quay which are redundant at present, whilst to the west / rear, the listed building and application site adjoin a disused commercial yard relating to a former car sales business.

## 2.0. SITE HISTORY

### 2.1. Related Planning Applications received:

- LA07/2020/0485/F – under consideration
- LA07/2020/0486/DCA– under consideration
- LA07/2019/1508/PAN – Proposal of Application Notice Acceptable
- LA07/2019/1116/PAD –PAD concluded

## 3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

### 3.1. The planning policy and legislative context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Planning (Listed Buildings) Regulations (Northern Ireland) 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS 6 – Planning, Archaeology and Built Heritage

## 4.0. STATUTORY CONSULTATIONS :

- 4.1. A number of statutory consultations were issued to DfC Historic Environment Division : Historic Buildings (HED : HB) throughout the course of this application.

HED's final response dated 29th January 2021 advises that with the exception of a few discrepancies noted on drawings, the proposal satisfies the requirements of paragraphs 6.12 & 6.13 of SPPS (NI) 2015 ; and policies BH7, BH8 & BH11 (Change of Use, Extension or Alteration and Development Affecting the Setting of a Listed Building) of PPS6, subject to conditions. The detailed comments are considered further below.

## 5.0. OBJECTIONS & REPRESENTATIONS



- 5.1. As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press initially on 19 May 2020 (expired on 2 June 2020.) There is no statutory requirement to issue neighbour notification letter for Listed Building Consent.

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

- 6.1. This proposal seeks Listed Building Consent for a material change of use from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Proposed works include remedial works to external and internal fabric of listed building; repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.
- 6.2 As required under Article 4 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015, a Design and Access Statement has been submitted, which outlines the design concept and principles applied to the proposed works. In summary, the proposal recognises the building's significance along Merchant's Quay and seeks to celebrate its heritage by establishing the building as a 'gateway' to a new mixed-use development to the rear.
- 6.3 The level of intervention to the building has been kept to a minimum and maximum amount of historic fabric has sought to be retained. In summary, the proposal seeks to sympathetically improve the engagement of the building with Merchant's Quay and Newry Canal as a whole whilst respecting the importance of the buildings' remaining fabric to Newry City.
- 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. As there are no particular provisions within the Plan relevant to this LBC determination, it falls to be considered under the SPPS and prevailing policy requirements set out under Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.

- 6.5. Para 6.12 of the SPPS states it is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

Para 6.13 expands on this further by Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

- 6.6 The retained PPS6 sets out the prevailing policy requirements in respect of works affecting a Listed Building. Policies BH7, BH8, BH11 and BH12 of PPS6 are applicable to this assessment, as considered below:

**6.7 PPS6 Policy BH7 – Change of Use of a Listed Building**

Under this policy, the change of use of a listed building will normally only be permitted where this secures its upkeep and survival and the character, and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting

- 6.7.1. HED welcome the re-use of the building in principle to ensure its ongoing viability and upkeep. However, early concerns were raised regarding the approach of finding a use first and adapting the building to meet those needs and HED advised that any assessment requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural or historic interest of the building (as detailed under Para. 6.7 of PPS6.) Having worked through a number of revisions to address relating concerns under BH8 and BH11 as detailed below, HED are content subject to conditions being met, that the proposed works now satisfy Policy BH7 requirements.

- 6.7.2 In summary, following amendments, the proposed works are acceptable to PPS7 Policy BH7.

## 6.8 PPS6 Policy BH8 – Extension or Alteration of a Listed Building

HED made a number of initial comments on the original proposals as submitted, to ensure the detailed design is in keeping with the listed building in terms of maximum retention of historic fabric and appropriate alteration. Specific comment was made on the following details: provision of vertical circulation within the adjoining modern building, replacement roof covering, window detailing and finishes, including the use of fixed roof lights, method statement for removal of the existing render, further detailing for ground floor opening, the introduction of sheeted timber double doors, preparation of a timber report in respect of internal fabric.

- 6.8.1 Further to these comments, additional information was requested in the form of:

- a) existing and proposed sectional drawings including levels, clearly indicating areas proposed for alteration or demolition, accompanied by a key indicating:
  - a. historic fabric to be retained,
  - b. historic fabric to be removed,
  - c. new interventions and construction.
- b) Door and window schedules.
- c) Stone schedule.
- d) Finishes schedule - an interior photographic survey has been provided and the sheeted timber panelling, although later, appears to be a feature of interest. Whilst careful removal may be required to investigate the condition of walling behind, we would suggest reuse of this panelling. Likewise, wide timber floor boards should be retained.
- e) Structural survey and / or condition report

- 6.8.2. Additional drawings and amended information has been submitted for further consideration as requested. In HED's final response, it is noted that the concept of providing vertical circulation in a separate modern building is acceptable in principle, **however "... as this building cannot function**



***without vertical circulation, the lobby, stair and lift core should ideally be included with this application as an extension to the listed building."***

HED refer to an amended site location plan No. S01e, with red line boundary extended. The plan drawings include a lobby connecting to the new building, with a break-line through the shared circulation core. This proposal therefore relies on development of the corresponding full application LA07/2020/0485/F to be feasible. HED defer to the Council on this matter and confirm that, in terms of changes proposed to the listed building itself, it complies with Policy BH8.

6.8.3. A couple of assumed errors are also highlighted by HED on the drawings including:

- *shutters remain inward opening on the Window Schedule SCH01a*
- *amended drawing D17c - on the front elevation, where Block B is described as 4-storey*

*If these are intentional, then further consultation with HED would be required. The Planning Department has clarified that these are errors and will seek to get these amended as appropriate prior to determination.*

**6.8.4 *In summary, subject to amendments of the above and inclusion of the additional lobby area connecting to the new building, the proposal would be acceptable to Policy BH8.***

## **6.9 PPS6 Policy BH11 – Development affecting the Setting of a Listed Building and BH12 – New Development in a Conservation Area**

6.9.1 In addition to Policy BH8 concerns, the proposed vertical circulation from the adjoining modern building also raises concerns under BH11 criteria a) *the detailed design respects the listed building in terms of scale, height, massing and alignment.* HED recommended that the scale, form and massing are resolved before addressing the materials proposed for this aspect – further information was requested on this matter – this matter interrelates to concerns expressed under LA07/2020/0485/F by the Planning Department, whereby a reduced scale of building was requested with more appropriate form and finishes.

6.9.1 HED having reviewed the amendments made and additional information submitted, in their final response are content that the proposal now meets Policy BH11 requirements.

**6.9.3. In summary, the amended proposal is deemed satisfactory to SPPS and Policy BH11 requirements subject to planning conditions. The amended proposal is also considered appropriate to Policy BH12 – this aspect is considered in further detail under LA07/2020/0485/F as part of the overall proposal and its impact on Newry Conservation Area.**

## **7.0. RECOMMENDATION:**

**Approval in principle subject to the resolution of all of the issues highlighted by HED in its consultation responses and the following planning conditions below.**

## **8.0 PLANNING CONDITIONS (SUBJECT TO AMENDMENTS:)**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

**REASON:** As required by Section 94 of the Planning Act (Northern Ireland) 2011

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

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

3. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED of a Fire Safety Strategy and Method Statement for the duration of the works. The works shall be carried out in accordance with the details approved.

**REASON:** To ensure that special regard is paid to protecting the special architectural

and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

4. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED showing the areas to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained. Such details shall include a condition survey, prepared by a structural or building engineer experienced in working with listed buildings, which should identify:
  - a) structural defects (including timber king post roof structure, floor joists, etc.);
  - b) proposed conservation led remedial works (e.g. spliced repairs);
  - c) a method statement demonstrating how the proposed structural works will be undertaken, and outlining how the listed building will be protected, during
  - d) construction (including foundations and any piling) and demolition work.

The work shall be carried out fully in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

5. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external or internal faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

6. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural



and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

7. Following completion of the tap test to the front elevation and investigation / raking out works to rear elevation, drawings clearly identifying exact proposals for indent repairs, mortar repairs, etc. to existing stonework shall be submitted for approval by the council in conjunction with HED. A stone sample shall also be provided for approval in writing.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

8. All works of making good to the existing stonework shall be finished exactly, to match the adjacent original work and all mortar and render repairs shall be breathable and lime based, i.e. with no cementitious additives.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

9. New plaster and render shall be lime based with no cement-based additives and shall be finished with lime wash. Natural breathable paints may be used as an alternative where specifically agreed.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

10. All salvageable material shall be retained and reused, utilising as much of the original material as possible. to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

11. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

12. Construction details of the following elements, at a minimum scale of 1:50, shall be submitted for approval in writing by the council in conjunction with HED prior to commencement of the relevant works:
  - a. Secondary glazing;
  - b. Timber panelling (ground floor); and
  - c. First and second floor upgrade to provide 1 hour fire resistance.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

13. A prototype of each different window shall be submitted for approval in writing by the council in conjunction with HED prior to wholesale fabrication; glazing shall be fixed in place with putty; there shall be no visible trickle vents; and the final coat of paint on all external joinery shall be applied on site (i.e. not factory finished).

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

14. No new signs, advertising cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved without prior consent from the Council as appropriate.

REASON: To ensure that special regard is paid to protecting the special architectural

and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

**Case Officer:**

**Date:**

**Authorised Officer:**

**Date:**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/1258/F

**Date Received:** 07.09.2020

**Proposal:** Multi-use, non-bitmac, compacted gravel community trails

**Location:** Daisy Hill Wood, Pound Road, Newry

**Site Characteristics & Area Characteristics:**

The site takes in a large area of mature, dense woodland situated on a sloping site within the development limit for Newry City. The site also includes LLPA designation NY 123 and a SLNCI as depicted in the Banbridge Newry and Mourne Area Plan 2015.

**Relevant Site History:**

LA07/2019/0796/O

Housing Development

Permission Granted: 10.06.2020

**Planning Policies & Material Considerations:**

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 8 Open Space

Planning Policy Statement 2 Natural Heritage

**Consultations:**

DAERA – (Natural Heritage) following submission of a Biodiversity Checklist, Preliminary Ecological Assessment and Additional Clarification Badger and Bat Roost Potential Check Along Trail Lines, DAERA has no objection subject to the attached condition.

**Objections & Representations**

12 neighbours notified on 01.10.2020

Application advertised on 22.09.2020

No objections or representations received.

### **Consideration and Assessment:**

#### Banbridge Newry and Mourne Area Plan 2015

The proposal lies within the development limit for Newry City as depicted in the Area Plan. The Plan is silent on the use of the site; however, the site lies within LLPA designation NY 123 and a SLNCI.

The LLPA designation includes Daisy Hill Wood nursery area of local amenity importance and the SLNCI. Policies CVN 1 and CVN 3 of the Plan are therefore relevant to the application.

Policy CVN 1 notes that planning permission will not be granted to development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Through the course of the application DAERA was consulted and have confirmed, following the submission of further reports and information, they have no objection to the proposal subject to a condition that no trees shall be felled as part of the proposal. I therefore conclude given the nature of the proposal and a positive response from DAERA that the proposal will not compromise the nature conservation interests of the SLNCI.

Policy CVN 3 notes that permission will not be granted to development proposals that would be liable to adversely affect the intrinsic environmental value and character of the LLPA. The existing trails are in poor condition along steep terrain. The proposal ensures the amenity site can be enjoyed by local residents by offering a safer and more accessible experience through the amenity site. The environmental value of the site is not considered to be compromised which is compounded by the DAERA consultation response noted above.

Policy ECU 1 of The Plan Strategy Framework makes provision for community uses and states planning permission will be granted within the Settlement Limit provided the following criteria is met;

- Existing paths, whilst in poor repair and not easily accessible to all members of the community do exist at this location. The application proposes to upgrade and add new paths to make the amenity site more accessible. The length of the paths is approximately 1km and generally considered small scale. Biodiversity will not be compromised as confirmed by DAERA and the nature of the proposal is not considered to have a significant detrimental impact on amenity.
- The proposal will not prejudice the comprehensive development of surrounding lands;
- The proposal is in keeping with the size and character of the development in that it is considered to complement the existing surrounding residential development; who are expected to utilise the facility.
- There is no additional infrastructure required for the scale of the development.
- There will be no sewage associated with the development and given the small scale nature of the project it is anticipated and envisioned by the applicant that the surrounding community will be the primary users of the amenity facility. The site is not considered to generate large volumes of traffic and therefore parking

will be confined to on-street which is the existing arrangements for the recreational area.

The proposal is consistent with the policy requirements of the Banbridge Newry and Mourne Area Plan 2015.

The Strategic Planning Policy Statement for Northern Ireland / Planning Policy Statement 3 / Planning Policy Statement 8

The proposal seeks to improve upon the existing trails at Daisy Hill Wood. This project has been devised in consultation with the local community, who are considered to be the primary end users for the recreational facility. The proposal seeks to improve upon the existing walkways so that the amenity facility is more accessible. The proposal will bring a public community facility to the area which will further sustain development and improve wellbeing. The proposal is consistent with the Strategic Planning Policy Statement for Northern Ireland.

Policy OS1 seeks to protect open space and the proposal for the upgrade of the trails will not compromise this policy criteria. The proposal is consistent with the policy provisions of policy OS 1 of PPS 8.

As there is an existing facility at the site that attracts visitors from the neighbouring community and given the small-scale nature of the site it is anticipated the site will be accessed on foot by the majority of users. Some parking is available on street however the proposal is not considered to result in intensification or attract users from large distances. I am content for the existing arrangements to continue and do not consider the proposal to necessitate separate parking provision to service the site.

The proposal has been considered against PPS 2 due to the ecological value the site holds. Through consultation with DAERA and the submission of a Biodiversity Checklist, Preliminary Ecological Assessment and Additional Clarification Badger and Bat Roost Potential Check Along Trail Lines, DAERA has no objection subject to the attached condition. I am there satisfied that the natural heritage interests of the site will not be compromised by the proposal.

The proposal is in general compliance with the SPPS, PPS 8 and PPS 2.

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

**Recommendation: Approval**

**Conditions:**

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

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



2.The development hereby permitted shall take place in strict accordance with the following approved plans: LA07/2020/1258/01 and LA07/2020/1258/02.

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

3. No trees shall be felled as part of the proposal as outlined with the Additional Clarification Badger and Bat Roost Potential Check document date received 15th January 2021.

Reason: To ensure the protection of onsite species and Daisy Hill Wood Site of local Nature Conservation Importance and Daisy Hill Wood Local Nature Reserve.

**Case Officer: Ashley Donaldson 23.02.2021**

**Authorised Officer: Andrew Davidson 23.02.2021**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/0079/O

**Date Received:** 09.01.2020

**Proposal:** Dwelling and garage on gap site

**Location:** Lands approximately 50 NW of 53 Ayallogue Road, Newry

#### **Site Characteristics & Area Characteristics:**

The application site is a large rectangular field located north of 53 Ayallogue Road. The field is currently in agricultural use. A mix of hedgerow and trees form the boundary to the roadside, as well as the northern, southern and eastern boundaries.

The site lies within the Ring of Gullion Area of Outstanding Natural Beauty. The site is not located in any settlement limit as designated in the Banbridge/ Newry and Mourne Area Plan 2015.

#### **Site History:**

P/2003/0437/O

- Adjacent to 53 Ayallogue Road, Meigh, Newry
- Site for dwelling
- Permission refused

#### **Refusal Reasons:**

1. *The proposal is contrary to Policies SP6, HOU8 and DES6 of the Department's Planning Strategy for Rural Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this countryside by reason of build-up.*
2. *The proposal is contrary to Policies SP6, HOU 8 and DES 7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the extension of ribbon development along Ayallogue Road.*

**Planning Policies and Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2 – Natural Heritage

**Consultations:**

Transport NI – No objections in principle with this proposal.

NI Water – Generic response to routine planning application.

NIEA

- Drainage and water – standing advice for single dwellings
- NED – refer to tools and guidance on DAERAs website.

**Objections and Representations:**

Three neighbours were notified of the proposal on 16.01.2020. The proposal was also advertised in local press on 29.01.2020.

No objections or representations were submitted for consideration.

**Consideration and Assessment****The Banbridge, Newry and Mourne Area Plan 2015**

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

**Strategic Planning Policy Statement (SPPS)**

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

**Planning Policy Statement 21 – Sustainable Development in the Countryside**

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings. This development includes infill dwellings if they meet the criteria set out in CTY8.



## Policy CTY 8 – Ribbon Development

As the application is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. *Identify whether there is a substantial and continuously built up frontage.*  
 The application site is located to the north of 53 Ayalogue Road. Number 53 does not have frontage onto the road, and the curtilage of the dwelling is clearly demarcated through fencing some distance from the roadside.  
 Number 53a, located south of no. 53, has frontage onto the road. Number 51 also has frontage onto the road.  
 The dwelling located to the north of the application site – number 53b – also has frontage onto the Ayalogue Road as does the outbuilding and number 55 located further to the north. However, as number 53 does not have frontage, the proposal does not meet the first policy test of having a substantial and continuously built-up frontage as the application site is only between the two buildings to the north of the application site which have a frontage while the dwelling to the south of the site at number 53 does not have a frontage and the frontage is broken by number 53.

Supplementary information provided with this application included information relating to another planning application (LA07/2019/0008/F). It should be noted that the Planning Department determined that this particular application did not represent an appropriate infill site, given the fact that no 11 was not considered to have frontage with the public road.

The Planning Department are of the same opinion with regards this application site.

- b. *Establish whether there is a small gap site.*  
 The gap site is measured between the adjacent buildings considered to have frontage onto the road.  
 The supplementary information provided by the agent considers the gap in this case to be from numbers 53 to 53b.  
 However, the Planning Department consider the gap to be measured from 53a to 53b, as these are the buildings with frontage onto the road. The gap site therefore 138m (approx.). The average frontage width is approximately 33m.

The gap between buildings is not a small gap site. The gap could accommodate more than two houses and therefore does not meet criteria (b). The application site is not an exception to policy and contributes to ribbon development. The gap site serves to provide relief and a visual break in the developed appearance of the locality along Ayalogue Road and helps maintain rural character. It is not an exception to policy.

- c. *Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.*  
 The application site is approximately 47m wide. Given the plot size of neighbouring properties, the proposal does respect the existing development pattern in relation to plot size. As the application is for Outline Planning Permission, the scale of the proposal would be assessed at Reserved Matters stage. A condition could be attached relating to the siting of the proposal within the application site.

- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character). The proposal is not compliant with other planning and environmental requirements in terms of rural character (See below under CTY 14).

### **CTY 13 – Integration and Design of Buildings in the Countryside**

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

The site features established natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. Given the topography of the application site, the proposal is not a prominent feature in the landscape. Ancillary works would integrate with the surroundings. The design of the building would be assessed at Reserved Matters stage. The proposal would blend with the landform, existing trees and natural features which provide a backdrop.

### **CTY 14 – Rural Character**

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

It is considered that the proposal would 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 further erode the rural character of the countryside. The proposal is therefore contrary to CTY 14 Rural Character.

### **CTY 16 – Development relying on non-mains sewerage**

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

### **Planning Policy Statement 2 – Natural Heritage**

The site lies within an Area of Outstanding Natural Beauty. Policy NH 6 refers to AONBs. It highlights that planning permission for a new development will only be granted where it is of an appropriate design, size and scale for the locality and all of 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;
  - Local materials, design and colour.

Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. I consider that the proposal is

contrary to NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB.

**Recommendation:**

Refusal

**Reasons for refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 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 CTY 8 of PPS 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon development along Ayalogue Road and does not represent an exception of policy.
3. 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 building 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 further erode the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer:** E.Moore 4.2.2021

**Authorised Officer:** A.Davidson 4.2.2021



Permission is sought for a dwelling in a gap site. The site lies within an existing ribbon of development. Officers draw a distinction between a ribbon of development and a substantial and continuously built-up frontage, for the purposes of deciding whether or not there is an opportunity for infill development.

#### Policy CTY 8 – 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.

In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.

What must be acknowledged is that the Policy offers one example of what comprises a substantial and continuously built up frontage. Nothing in Policy suggest this definition is either definitive or exhaustive. In fact, the opposite is true. Just because CTY 8 says what is *included* does not mean that nothing else is included (in the definition) nor does mean that something else is *excluded*.

The Policy does not say that plots that are set back, or look as if they front the road but do not because of a small post and wire fence must be excluded. In fact, nothing at all is precluded. Officers, and Members are entitled to apply their own judgement in deciding whether or

not it looks like there is an infill opportunity here.

The existing ribbon comprises five dwellings and an outbuilding that sits tight to the road edge. There are some variations in plot style along this particular frontage, albeit not significant. There is a natural gap between the buildings that are located to either side of this site. The site is one half of this “two-dwelling” gap. Many years ago, permission was actually refused for a dwelling in the other half of the gap due to ribboning. That application was refused long before PPS 21 was published, and the opportunities for infill development were much less then than at present.

The pattern of development along this frontage is such that the proposal would not be out of keeping, and officers acknowledge this. This whole application hangs on a single issue and a technicality at that (whether or not the adjacent building lies on the frontage, because there is a post and wire fence between it and an area of land to its front). Members have frequently deliberated on such issues without feeling as tightly constrained as officers appear to be. Members are consistently issuing findings that are at odds with officers’ refusal recommendations therefore officers need to be more mindful of the Committee’s approach before recommending subsequent applications of this nature for refusal.

Officers discount one building from this frontage because it sits to the rear of a post and wire fence, 47 metres back from the road. This is an overly simplistic approach, given that one of the dwellings officers do recognise sits in excess of 50 metres back from the road. Officers have paid no heed to a recent decision on this road, where a dwelling was set back 88 metres from the road, behind a post and wire fence just as No. 53 is here, and yet permission was forthcoming there.

Members may wish to discuss the implications of inconsistent approaches, for this Council, and will want to establish that this applicant is being treated as fairly as that other applicant further down this road.

Within this ribbon, there is a clear transient, sequential awareness of roadside development. The continuity of built development is particularly evident on this stretch of frontage. This transient, sequential, awareness of road fronting development defines this immediate area. This application has necessitated consideration by this Committee because officers appear to be intent on applying the most stringent interpretation of policy and by not being open as to what the term built up frontage actually constitutes (since there is no definitive description set out in policy – just one definition has been included and as the PAC have previously found, this definition does not exclude other typologies).



The Policy states, when describing ribbon development: A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. 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".

If the purpose of this Policy is to stop the spread of ribbons of development, and to consolidate development within existing ribbons, Members will wish to explore whether CTY 8's definition truly excludes a building that is set back (even though it is not set as far back as one of the buildings officers recognise) within the ribbon. Members should also be guided by the fact there is a visual linkage across this frontage and we consider this is significant in ascertaining whether a proposal complies with Policy.

Given there are no other planning and environmental issues with this proposal, and all issues centre upon the relevance of No. 53 Ayalogue Road in this frontage, officers have failed to recognise that this application hinges on a simple quirk of fate. Where a decision is so finely balanced, this should generally be held in an applicant's favour.

The Planning Appeals Commission's attitude towards the issue of "accompanying development to the rear" is that the definition of a built-up frontage does not actually exclude frontages with accompanying development to the rear. The issue of accompanying development to the rear has not been raised here. But, if the PAC is prepared to accept what the Policy does not exclude, with respect to "accompanying development to the rear", it would be irrational to suggest that a continuously built up frontage could not include a building that is set back (or in fact any type of development that is categorised as a ribbon i.e. not necessarily served by individual accesses; not having a continuous building line; or buildings staggered or at angles and with gaps between them, provided they have a common frontage OR a visual linkage).

The applicant protests that a continuously built up frontage does not exclude a building from the frontage where it is set back, so long as it has a visual linkage with the other buildings, as No. 53 has.

Returning to the recent approval on this Road (LA07/2019/0008/F), Officers appear to recognise the similarities between both proposals but point out that they recommended refusal on that application, as well as this one.

Officers felt it was significant that Members approved the nearby example, against their advice, and feel they are being consistent here. However, Officers must recognise that decisions issued by this Council are binding whether they are issued by the planning department or the planning committee.

Officers must ensure applicants are treated fairly and consistently, and therefore should not be recommending refusal on a proposal where the Committee has already reached a finding on whether a comparable building's set back means it does or does not lie within a built-up frontage.

Officers rely upon the fact that Policy CTY 8 gives one example of what a substantial and built up frontage includes. Members will wish to explore whether or not the Policy actually excludes any other pattern of development or whether the policy's provisions are limited in this respect and we urge Members to give some credence as to what constitutes a ribbon of development when deciding this application.

We would emphasise the interrelationship between ribbon development and infill development's definitions and we hope Members will deliberate on this with greater vigour than officers, who feel compelled to rigidly follow planning policy to the extent that there is a perception here that something not specifically identified as acceptable is automatically deemed unacceptable by officers;

Officers feel there is a break between development on the frontage (more than a two-dwelling gap). However, this is only by virtue of their disregarding an adjacent building due to the setback issue. In reality this gap is in no way sufficient to function as a physical buffer between the developments to each side of this site and that is critical – if there is an existing ribbon, and all buildings face the road, and there is a space within this ribbon that is comparable with the spacing of the other plots, what really is wrong with this proposal?



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

**Application Reference:** LA07/2020/1000/O

**Date Received:** 28/07/2020

**Proposal:** Proposed infill dwelling

**Location:** Lands between 5 and 9 Billy's Road, Ballyholland, Newry

**Site Characteristics & Area Characteristics:**

The application site comprises an agricultural parcel of land located along Billy's Road, Ballyholland. The site is adjoined to the west by a driveway leading to property to the south of the site. The site is adjoined to the east by a detached dwelling and outbuilding. The site is located outside any defined settlement limits.



*Application Site*



### **Planning Policies & Material Considerations:**

This application will be assessed under the following policy considerations:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- PPS3 Access, Movement and Parking
- DCAN15- Vehicular Access Standards
- PPS21- Sustainable Development in the Countryside

### **Site History:**

There is no planning history on the application site.

### **Consultations:**

- **NI Water-** Content
- **DFI Roads-** Content subject to conditions

### **Objections & Representations:**

Three neighbours were notified of the application on 28/08/2020 and the application was advertised within one local newspaper, the advertising period expired on 25/08/2020. Eight letters of objection were received raising the following:

- It is considered the proposal is not part of a substantially and continuously built up frontage. No 11 is set back from Billy's Road fronting a yard area to its front, it does not have a frontage onto Billy's Road. No 9 is adjacent to Billy's Road but the dwelling also fronts onto the same yard area.
- No 5 Billy's Road is adjacent to the road but the dwelling is orientated to the west, considering the orientation and access to No 7 its reasonable to conclude there is no substantially and continuously built up frontage as required by policy.
- The proposal will result in overlooking, proximity and loss of privacy adversely impacting the residential amenity of No's 5, 7 and 9 Billy's Road. The private rear rooms and rear amenity space of No 5, 7 and 9 would be highly visible from the proposed dwelling.
- Proposed dwelling cannot integrate acceptably with the surrounding development.
- The concept statement is inaccurate as it does not show the existing dwelling at No 7 Billy's Road.
- Proposal is contrary to Policy CTY13 in that the site is unable to provide a suitable degree of enclosure and would rely primarily on new landscaping. The proposed access arrangements would result in the removal of the existing stone wall boundary with Billy's Road.
- Proposed sightlines rely on third party lands and the proposed 2 x 45m sight lines are considered inadequate.
- Road is very narrow and proposal would increase traffic flow.
- Concerns about the environmental impact this would have on the countryside from a noise/ air pollution to the disturbance of natural habitats.

Following an amended address, the application was re-advertised and neighbour again notified on 30/11/2020. Issues of land ownership were raised with the Agent and following receipt of an amended certificate of ownership, neighbours were notified on 22/01/2021.

The concerns raised in terms of policies CTY8 and CTY13 will be detailed below. DFI Roads have been consulted on the application and are content with the proposal subject to conditions.

### Assessment

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

Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. This application seeks permission for an infill dwelling.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, policy goes on to explain that 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. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

- a) Identify if there is a substantial and continuously built up frontage
- b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
- c) Determine if the proposal would respect the existing development pattern in terms of size, scale, siting and plot size
- d) Assess the proposal against other planning and environmental requirements.

The site is adjoined to the west by driveway and then by dwelling and garage at No 5, both buildings have a frontage onto Billy's Road. To the east the site is adjoined by dwelling and outbuilding at No 9, both buildings have a frontage onto Billy's Road.

I do not agree with the concerns raised by objectors that the orientation and yard area to the front of properties means the buildings do not have a frontage on Billy's Road. The PAC is clear that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. The application site lies within a substantial and continuously built up frontage consisting of three or more buildings, the first element is met.

The gap between the garage at No 5 and the outbuilding at No 9 measures 60.7m, the application extends back from the road between 42 and 53m with a frontage of 57.4m. The application site is of comparable plot sizes and site frontage to surrounding sites and whilst the concept plan may be outdated in terms of the layout of No 7, it is useful to show that the gap site is small sufficient to accommodate one dwelling only. I am content the proposal represents an exception to Policy CTY8. Other environmental requirements will be considered below.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. The dwellings immediately adjoining the site are single storey/ one and a half storey. I consider a ridge height restriction of 5.5m for a single storey dwelling would ensure it would not appear as prominent in the landscape nor give rise to overlooking into any adjoining sites. There is a mature boundary to the rear of the site which will form a backdrop. Further details of design will be assessed at reserved matters stage. Subject to conditions, the proposal can comply with Policy CTY13.

Policy CTY14 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. As outlined above, subject to conditions the proposal would not appear as a prominent feature in the landscape. It will infill a small gap site and therefore will not add to or create a ribbon of development. The proposal is in accordance with Policy CTY14.

### Planning Policy Statement 3

DFI Roads have been consulted on the application and are content with the access and visibility splays proposed subject to conditions.

**Recommendation:** Approval- In line with the Council's Scheme of Delegation, this application has attracted six or more material planning objections from different addresses and as the recommendation is for approval, the application must be brought before Planning Committee.

### Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, 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: Time Limit

2. The development hereby approved shall take place in strict accordance with the following approved plans: 01A

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

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

4. 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.

5. Full particulars, detailed plans and sections of the reserved matters required in Conditions 3 and 4 shall be submitted in writing to the Council and shall be carried out as approved.  
Reason: To enable the Council to consider in detail the proposed development of the site

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. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

7. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

8. The proposed dwelling shall be single storey with a ridge height no greater than 5.5m above finished floor level.

Reason: To ensure the dwelling will not appear as prominent in the landscape.

9. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

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

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

11. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

#### **Informatives:**

##### **1. EXISTING WATER AND SEWER INFRASTRUCTURE**

- The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.

- It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.

- House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.

- Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.

- It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.

- If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

- Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp) and Forms.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Case Officer Signature:** E. Hart

**Date:** 22/02/2021

**Appointed Officer Signature:** M Keane

**Date:** 22-02-21



**PLANNING COMMITTEE MEETING****WEDNESDAY 10 MARCH 2021****REF:LA07/2020/1000/O**

**To whom it may concern** I am writing to you in regards to the above planning application of lands between 5 and 9 Billy's Road Ballyholland Newry, for a proposed infill dwelling.

Previous to my letter submitted on 28<sup>th</sup> August 2020, I would like to reiterate my concerns and other family members and residents along this road to the effect that another new proposed dwelling would have on the countryside. I have a number of areas that I would like to raise my concerns over below.

**1. Planning Policy Statement (PPS) 21 'Sustainable Development in the Countryside' Policy CTY 8 'Ribbon Development.** This policy states that 'Planning permission will be refused for a building which creates or adds to a ribbon development.' An exception for an infill dwelling will be permitted under certain, specific circumstances. This policy states that 'Planning permission will be refused for a building which creates or adds to a ribbon development.' An exception for an infill dwelling will be permitted under certain, specific circumstances. I feel these needs have not been met.

In relation to the existence of a 'substantial and continuously built-up frontage' defined as 'a line of 3 or more buildings along a road frontage'. To me this is not the case. To the east, No. 11 Billy's Road is set back from Billy's Road fronting on what is essentially a yard area to its front. No. 9 Billy's Road does bound Billy's Road but the dwelling also fronts on the same yard area. To the west, the site is bounded by an access to No. 7 Billy's Road. No. 5 Billy's Road bounds Billy's Road but is orientated to the west. The orientation of Nos. 5 and 9 Billy's Road, the access to No. 7 Billy's Road and the yard to the front of Nos. 9 and 11 Billy's Road mean that it is reasonable to conclude that a 'substantial and continuously built-up frontage', as required by and defined in the policy, is not present

**2. Privacy**

The relationship of the proposed development to the surrounding dwellings – the impact on residential amenity – is a critical planning and environmental requirement. The proposal will result, by way of overlooking, proximity and loss of privacy, in an adverse impact on the residential amenity of Nos. 5, 7 and 9 Billy's Road. In particular, the private rear rooms and private rear amenity space of Nos. 5 and 9 Billy's Road would be highly visible from the proposed dwelling and its garden. Furthermore, the relationship between No. 7 Billy's Road and the proposed development will have a similarly unacceptable relationship, with the private rear rooms and private amenity space of the proposed dwelling highly visible from the side of No. 7 Billy's Road. The new dwelling will look right into the back of my amenity area where I have young children playing. This would lead to a loss of natural light and overshadowing on my property.

**3. Visibility Splays and Safety**

Furthermore, the proposed access arrangements would result in the removal of the site's entire existing stone wall boundary with Billy's Road. It is noted that the proposed development relies on 2.0 x 45M sightlines which are also a ground for objection. They appear to rely on third party land of

the access road to No. 7 Billy's Road and adjacent No. 5 Billy's Road. Furthermore, it is considered by the residents of Billy's Road that the proposed 2.0 x 45M sightlines are inadequate and would be deemed dangerous on an already busy road. Picture below highlights the danger of visibility splays.



#### 4. Ownership of land

On the map with the site boundaries, the red line includes ownership of my land on which the proposed new dwelling sits.

Again, the boundary red line on my land is this stone wall to the right-hand side of the picture.

#### Conclusions

So, in summary I would like to appeal to councillors on the Planning Committee to overturn this decision and make a visit to the site in question to view all of the points (1-4) that I have highlighted above.

In the planning application nothing protects the privacy of my amenity areas at number 7 and also my brothers amenity areas at number 9 particularly, and my own father/mother's amenity area at number 5 Billy's Road.

In planning terms this is seen as an infill opportunity to sell on, as the applicant who made the submission will be selling the land for development at the highest price. In reality this will be a deep intrusion upon all our families living environment and it will have a negative impact upon the families and other residents in Billy's Road.

Regards

Ciaran Murtagh

## Item 17 – LA07/2020/1000/F

Briefly I will be commenting on the fact that the Planning report did not in any meaningful way address the issues raised by the objecting neighbours. While it does recommend a single storey dwelling with a ridge height no greater than 5.5m it appears this is the only protection offered to the neighbouring houses in terms of protecting their back garden privacy.

There could have been a condition applied to erect protective boundary fencing and or suitable planting which would prepare the site for Reserved Matters.

The site is surrounded by members of the one family connection and after many years of enjoying a high level of privacy they feel very strongly about this intrusion.

Everything should have been done to address this whilst simultaneously dealing with the policy on infill opportunities.

Thanks,

Declan.



LA07/2020/1000/O | Proposed infill dwelling for Lands between 5 and 9 Billy's Road Ballyholland, Newry, Co. Down.

This application has been recommended for Approval by the Planning Department however is called before the Council's planning committee due to the letter of objections received.

The concerns of the objectors are as follows:

- It is considered the proposal is not part of a substantially and continuously built up frontage. No 11 is set back from Billy's Road fronting a yard area to its front, it does not have a frontage onto Billy's Road. No 9 is adjacent to Billy's Road but the dwelling also fronts onto the same yard area.
- No 5 Billy's Road is adjacent to the road but the dwelling is orientated to the west, considering the orientation and access to No 7 its reasonable to conclude there is no substantially and continuously built up frontage as required by policy.

The site is adjacent to No. 5 Billy's Road to the West, Number 5 consists of a Dwelling and Garage that both front onto the road. To the East of the application site No. 9 Billy's Road Dwelling and Out Building both front on to the Road. I would agree with the case officer that the adjacent buildings have road frontage.

- The proposal will result in overlooking, proximity and loss of privacy adversely impacting the residential amenity of No's 5, 7 and 9 Billy's Road. The private rear rooms and rear amenity space of No 5, 7 and 9 would be highly visible from the proposed dwelling. Proposed dwelling cannot integrate acceptably with the surrounding development.
- Proposed dwelling cannot integrate acceptably with the surrounding development.
- Proposal is contrary to Policy CTY13 in that the site is unable to provide a suitable degree of enclosure and would rely primarily on new landscaping. The proposed access arrangements would result in the removal of the existing stone wall boundary with Billy's Road.

The Existing boundaries to the East, South and West of the Site will be retained and supplemented with native species planting. It is reasonable for the planning department to assess these details along with the siting and details of the dwelling at reserved matters stage, it is unreasonable to suggest that any over looking to the private amenity space of the dwellings adjacent will occur.

- The concept statement is in accurate as it does not show the existing dwelling at No 7 Billy's Road.

The Concept plan submitted was for information purposes only and was submitted to indicate to the planning department that the gap between the buildings at number 5 and 9 Billy's road ensured our site frontage was consistent with the plot sizes adjacent and therefore complied with planning policy CTY8.

- Proposed sightlines rely on third party lands and the proposed 2 x 45m sight lines are considered inadequate.

The site line requirement of 2.0 x 45m from DFI roads has been met. The site line will not require on any third party lands and will cross a section of road maintained by DFI Roads. DFI Roads have been notified of this.

- Road is very narrow and proposal would increase traffic flow.
- Concerns about the environmental impact this would have on the countryside from a noise/air pollution to the disturbance of natural habitats.

It would be unreasonable for the council to agree with the objectors on these points, It would lead to an argument of similar circumstances for every new house in the country.

I am in agreement with the planning officers that this application meets the criteria set out in the planning policies and therefore the councillors should stick with the recommendation of its planning officers and approve this application.

Please note Speaking rights are only requested if any objectors are speaking against this application.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2020/1084/O

**Date Received:** 10 August 2020

**Proposal:** Site for 2 storey infill dwelling

**Location:** The application site is located immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry

**Site Characteristics & Area Characteristics:**

The application site is located in the countryside area outside the settlement of Ballyholland approx. 2.5 miles east of Newry City Centre. The surrounding area is rural with a number of single dwellings dispersed throughout the area. The application site itself is cut out of a larger roadside agricultural field. It is adjacent and north of No. 32 Betty's Hill Road, Ballyholland, which is a two storey dwelling. No. 34 Betty's Hill Road, a large two storey dwelling is located adjacent and south of No. 32. Further south and adjacent to No.34 is No. 36 Betty's Hill Road, a single storey dwelling with outbuildings. 65m to the north is a laneway which serves No. 30 Betty's Hill Road, Ballyholland. No. 30 Betty's Hill Road is set back from the roadside with its laneway providing frontage to the road. To the west and opposite is the junction of Commons School Road.



*Image 1 Application Site with No. 32 located immediately adjacent*





Image 2 No. 30 Betty's Hill Road, Laneway has road frontage

**Site History:** None

**Planning Policies & Material Considerations:**

This planning application has been assessed against the following:

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

**Consultations:**

DFI Roads    No objection subject to condition  
 NI Water     Generic response received

**Objections & Representations**

One neighbour notification was issued on 28 August 2020. The application was advertised in the local press on 25 August 2020. No third-party representations were received.

**Consideration and Assessment:**

**Banbridge, Newry and Mourne Area Plan 2015**

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

**Strategic Planning Policy Statement (SPPS) for Northern Ireland**

There is no significant change to the policy requirements for infill dwellings following

the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

### **PPS21 - Sustainable Development in the Open Countryside**

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

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

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

This approach will be followed below.

There is an existing dwelling to the immediate south - No. 32 Betty's Hill Road with a frontage of 37m. Further to the south there are 2 further dwellings, Nos 34 and 36 which also front onto Betty's Hill Road, as shown on the site location map.

The nearest building on the opposite side, to the north is No. 30, Betty's Hill Road, however this dwelling is set back from the road by 77m. It is accessed via a laneway cutting through an agricultural field. The curtilage of the dwelling does not extend to the Betty's Hill Road but is separated from it by this agricultural field. No 30, therefore, does not have a frontage to the Betty's Hill Road, (see Image 2).

Therefore, for this reason I consider that the application site cannot be counted as part of a substantial and built up frontage within the terms of CTY 8 as it is not situated within a row of 3 or more dwellings along a road frontage. It is not an exception to the policy. The first test is not met.

The second question, whether this is a small gap, is related to the issue of plot size under the third test. The gap overall measures 117 metres from No.32 to the frontage (laneway) on the opposite side. The average width of each plot fronting the Betty's Hill Road is 45 metres. Therefore, the gap for two dwellings is about right for the size of the existing plots and could accommodate 2 dwellings with similar plot sizes to the existing context. However this is neither here nor there as described above there is not a substantial and built up frontage regardless of whether the plot size of the gap accords with the existing context.

The proposed site is required to meet the development pattern criteria:

**Size & scale** – Existing buildings in this frontage are of a range of sizes. No. 32 Betty's Hill Road, Ballyholland, is a two-storey dwelling, No. 34 Betty's Hill Road, is also a two-storey dwelling and further south No. 36 Betty's Hill Road, is a single storey dwelling with outbuildings. Therefore, I consider given the existing context a two-storey dwelling could be accommodated on the site with additional planting/screening on northern boundary.

**Siting** – The siting of a dwelling on this site would have to be sited to follow the building line of No.32 which has roadside position to remain in keeping with the established building line set by existing development.

**Plot size** –The plot size has been discussed above.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

In terms of CTY 13 the proposal may comply with criterion (a) as two storey building could be erected on this site without being a prominent feature in the landscape, albeit visible in the landscape. Criterion (b) is met as the site is defined on the southern and eastern boundaries by mature trees and existing built development which would aid integration. To the north new planting is required to assist in screening and integration. Overall I do not feel that the site relies primarily on new landscaping for integration, thus criterion (c) is met. The remaining criterion of CTY 13 are not applicable to the application as they relate to design which cannot be assessed at outline stage and criterion (g) is for farm dwelling applications which does not apply in this application.

The proposal fails to comply with criterion (b) and (d) of Policy CTY 14 in that I consider that the proposal when viewed with the existing and approved buildings would result in a suburban style build-up of development and would create a ribbon of development along the road frontage as detailed above under CTY 8.

#### **CTY 16 - Development Relying on Non Mains Sewerage**

Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to



under policy CTY16 has been submitted. Therefore, it will be necessary to impose a negative condition that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development.

### **PPS3- Access, Movement and Parking**

#### **DCAN 15 - Vehicular Access Standards**

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads have no objection to the proposal and the proposed access will not prejudice road safety. I consider the proposal meets PPS 3 and DCAN 15.

### **Residential Amenity**

The proposed dwelling could be sited so that it will not adversely affect the amenity of any nearby dwellings.

### **Recommendation: Refusal**

#### **Refusal Reasons:**

The proposal is contrary to The Strategic Planning Policy Statement 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.

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Betty's Hill Road and does not represent an exception to the policy.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- (b) the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
- (d) the dwellings would, if permitted create a ribbon of development and would therefore further erode the rural character of the countryside.

**Case Officer Signature: Clare McCoy**

**Date: 26 January 2021**

**Authorised Officer Signature: P  
Rooney**

Date:28.01.2021

Dear Sir

**RE: Planning Committee Meeting**

**LA07/2020/1084/O- Site for Infill dwelling adjacent to 32 Betty's Hill Road, Ballyholland.**

I wish to request speaking right at the next Planning Committee meeting for the above application. The main issues that I wish to speak about are as follows;

I have already submitted three separate additional pieces of supporting information during the determination of the application and am assuming that these will form background to the discussion. In those submissions I have stated that I believe that the Planning Office did not fully consider the information contained when reaching their recommendation.

There are three policy reasons for refusal in the Professional Officer Report however it is accepted that if the proposal is accepted as an exception to Policy CTY 8 (ribbon development) as infill then it overcomes the policy concerns of CTY 1 (sustainable development) and CTY 14(Rural Character).

Policy CTY 8 states, “ **an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing settlement pattern along the frontage in terms of scale, siting and plot size and meets other planning and environmental requirements.**

Having read in detail the Professional Officer Report it is evident that the only area of concern for the Planning Department is that they are not accepting the proposed site as an infill opportunity as they do not believe that number 30 has a frontage on to the Betty's Hill Road as the house is set further back than the rest of the frontage. I do not agree with that interpretation of the policy.

Number 30's official postal address is 30 Betty's Hill Road, Ballyholland, it can be seen from the Road, has access off the Road and has even got its address on the entrance pillar. I would therefore argue that it has frontage on to the Betty's Hill Road. The planner's main argument is that it is set slightly further back from the road than the other dwellings along the frontage but there is nothing in the policy that says this is not acceptable. I would further argue that staggered building lines like this are more acceptable in the rural setting as it minimises the urban effect. A simple examination on the ground or by the maps provided will show that the dwelling is fronting Betty's Hill Road, reads with the other



buildings in the area and that the site is therefore a clear infill opportunity in compliance with CTY 8.

It is also worth noting that the Planning Department has accepted that the site is comparable to the existing settlement pattern in terms of size scale and frontage and that it could readily accommodate a moderate 2 storey dwelling with minimal landscaping similar to those around. Roads Service have also no objections subject to standard conditions and it meets all other planning and environmental requirements.

While not primarily a planning concern it is worth noting that the applicants wife, Laura is the Sub Postmistress of Ballyholland Post Office and will be taking over the Postmistress role from her mother in law who will be retiring in the coming year. This site is about half a mile from the Post Office and it is vital that she lives close by for call-out and emergencies associated with the business.

Anthony Mackle

**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
		<b>PLANNING MEETING – 1 AUGUST 2018</b>			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	<b>Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10</b>	Annette McAlarney	<b>Await legal advice.</b>	N
		<b>PLANNING MEETING - 13 FEBRUARY 2019</b>			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site	<b>Withdrawn by the Planning Department to allow further consultation to be completed</b>	A Davidson	<b>Remains under consideration</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	between 54 and 58 Edenappa Road, Jonesborough				
		<b>PLANNING COMMITTEE MEETING – 24 JULY 2019</b>			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	<b>Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.</b>	A McAlarney	<b>Application to come back to Committee</b>  <b>Under consideration.</b>	N
		<b>PLANNING COMMITTEE MEETING – 16 OCTOBER 2019</b>			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	<b>Withdraw from the addendum list for a meeting with Planners, applicant and agent</b>	A McAlarney	<b>Meeting to be convened with CPO and Agent/applicant</b>	N
<b>PLANNING COMMITTEE MEETING 11 MARCH 2020</b>					
LA07/2019/1455/F	New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry	<b>Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted</b>	A Davidson	<b>Remains under consideration. New agent on application.</b>	N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING COMMITTEE MEETING 26 AUGUST 2020</b>					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	<b>Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.</b>	A McAlarney	<b>Awaiting consultation response from DFI Roads on new info submitted.</b>	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	<b>Removed from the agenda as agent unable to attend</b>	A McAlarney		N
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	<b>Removed from the agenda as agent unable to attend</b>	A McAlarney		N
LA07/2019/0329	Dwelling and garage - approx 60m south of 144 Loughinisland Road, Downpatrick	<b>Removed from the agenda as agent unable to attend</b>	A McAlarney		N
<b>PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020</b>					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage - 45m north of 5 Molly Road Lower, Jonesborough	<b>Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered</b>	A Davidson		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING COMMITTEE MEETING 15 DECEMBER 2020</b>					
P/2013/0189/F	Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works	<b>Site visit to be arranged</b>	J McParland	<b>Site visit held 05-03-2021</b>	N
LA07/2020/0167/F	The Manse 17 Downpatrick Road Crossgar New Manse and detached domestic garage (Amended proposal description)	<b>Site visit to be arranged</b>	A McAlarney	<b>Date to be agreed</b>	N
LA07/2020/0299/F	Adj. to 7 Annacloy Road North Dunnanelly Downpatrick Single storey dwelling	<b>Removed from the agenda at the request of Councillor Trainor</b>	A McAlarney	<b>On agenda for PI Meeting – 10-03-2021</b>	N
LA07/2020/0719/F	171 Rathfriland Road Dromara Off site Replacement Dwelling	<b>Defer to give the applicant an opportunity to submit evidence to support their case</b>	A McAlarney		N
<b>PLANNING COMMITTEE MEETING 10 FEBRUARY 2021</b>					
LA07/2020/0013/F	Approx 80m north of 64 Dromara Road Ballyward Castlewella - farm building and animal handling facility and hardstanding	<b>Site visit to be arranged</b>	A McAlarney	<b>Date to be agreed</b>	N
LA07/2020/0788/F	Mourne Park House Mourne Park Kilkeel Newry BT34 4LB Creation of a new luxury hotel incorporating a spa, function	<b>Site visit to be arranged</b>	J McParland	<b>Site visit held 05-03-2021</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2020/0843/LBC	<p>room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance</p> <p>Mourne Park House Mourne Park Kilkeel Newry Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works</p>				
LA07/2020/0669/F	90m SE 21 Ballynalack Road Ballynalack Camlough - 2 dwellings and 2 garages	<b>Site visit to be arranged</b>	A Davidson	<b>Date to be agreed</b>	N
<b>END</b>					