



October 10th, 2019

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 16th October 2019** at **10:00 am** in **Boardroom, District Council Offices, Monaghan Row, Newry.**

Committee Membership:-

- Councillor M Larkin (Chair)
- Councillor H Reilly (Deputy Chair)
- Councillor P Brown
- Councillor W Clarke
- Councillor L Devlin
- Councillor G Hanna
- Councillor V Harte
- Councillor C Mason
- Councillor D McAteer
- Councillor H McKee
- Councillor M Ruane
- Councillor J Trainor

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

- Item 11 - LA07/2019/0935/F - Councillor Mason declared an interest and will be withdrawing from the discussion/decision on this application.

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

- Item 8 - **LA07/2019/0830/0** – erection of 2 no. infill dwellings - land NW of 11 Wateresk Road, Dundrum **REFUSAL** – all Councillors can take part in the discussion / decision on this application with the exception of **Cllrs. Brown, Clarke, Devlin, Hanna, Harte and Reilly**

4.0 Minutes of Planning Development Committee Meeting held on Wednesday 18 September 2019. (Attached).

 *Planning Committee Minutes - 18 September 2019.pdf*

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

 *Addendum list - 16-10-2019.pdf*

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Development Management - Planning Applications for determination

6.0 LA07/2016/1074/RM - development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill and other associated operational development (amended plans) - lands at Abbey Way/Courtney Hill (including part of former grammar school lands and lands to the rear of Abbey Yard) Ballymacraig, Newry (amended address). (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Jim McCartan in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Councillor G Stokes in objection to the application. **(Submission attached)**.

- A request for speaking rights has been received from David Mountstephen, Planning Consultant; Karen McShane (Kevin McShane Ltd); Jim Kerr (Albert Fry Associates) and Eamon O'Hare (O'Hare and McGovern) in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from Shane Devlin, CEO, Southern Health and Social Services Trust in support of the application.

📄 <i>CTCC PDF Report LA07-2016-1074-RM.pdf</i>	<i>Page 24</i>
📄 <i>Item 6 - LA07-2016-1075-RM (objection Mr McCartan).pdf</i>	<i>Page 51</i>
📄 <i>Item 6 - Gary Stokes LA0720161074RM.pdf</i>	<i>Page 52</i>
📄 <i>Item 6 - LA07-2016-1074-RM (support).pdf</i>	<i>Page 53</i>

7.0 LA07/2017/0542/F - retail park with ancillary coffee shop/restaurant units (supporting statement April 2019) - former HM Revenue Customs Custom House and Clearance Station, Carnbane Way, Carnbane Industrial Estate. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Conor Cochrane, Clyde Shanks, in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Andrew Ryan, TLT NI LLP in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Andy Stephens, Matrix Planning, in objection to the application. **(Submission attached)**.
- A request for speaking rights has been received from Martin Kelly, Planning Consultant; Laurence Breen, Director Damolly Developments; Declan Mackin, Partner RSM UK; Mike Prentice, Director; and Stewart Beattie QC in support of the application. **(Submission attached)**.

📄 <i>Carnbane PDF Report LA07-2017-0542-F.pdf</i>	<i>Page 55</i>
📄 <i>Item 7 - LA07-2017-0542-F (objection C Cochrane).pdf</i>	<i>Page 136</i>
📄 <i>Item 7 - LA0720170542F (objection TLT NI).PDF</i>	<i>Page 138</i>
📄 <i>Item 7 - LA07-2017-0542-F (objection A Stephens).pdf</i>	<i>Page 139</i>
📄 <i>Item 7 - LA07.2017.0542.F (support applicant).pdf</i>	<i>Page 142</i>

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

8.0 LA07/2019/0830/O - erection of 2 no. infill dwellings - Land NW

of 11 Wateresk Road, Dundrum. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Eoin Morgan, agent, in support of the application. **(Submission attached).**

📄 *LA07_2019_0830_O NW of 11 Wateresk Road.pdf* *Page 147*

📄 *Item 8 - LA07-2019-0830-0 (Wateresk Road).pdf* *Page 152*

Development Management - Planning Applications for determination

9.0 LA07/2019/0019/F - proposed agricultural building, hard standing and all associated site works - approx 150m NW of the junction of 5 Church Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Andy Stephens, agent, in support of the application. **(Submission attached).**
- Councillor Andrews has advised of his support for this application on the basis of correspondence previously sent to Council.

📄 *LA07-2019-0019-F Church Rd (Agric Shed).pdf* *Page 154*

📄 *Item 9 - LA07-2019-0019-F.pdf* *Page 158*

10.0 LA07/2019/0512/0 - infill dwelling and detached garage - lands between Nos. 151 and 149 Dunmore Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Carol Gourley, agent, in support of the application. **(Submission attached).**

📄 *LA07-2019-0512-O Dunmore Road infill.pdf* *Page 188*

📄 *Item 10 - LA07-2019-0512-0.pdf* *Page 195*

11.0 LA07/2019/0935/F - extension to side dwelling - 4 Oldpark Road, Loughinisland, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Darren McMullan, agent, in support of the application. **(Submission to follow under separate cover).**

This item is deemed to be restricted by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public, may by resolution, be excluded during this item of business.

[LA0720190935F 4 Old Park Road Loughinisland.pdf](#)

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Development Management - Planning Applications for determination

12.0 LA07/2019/1031/F - proposed shed for storage of vintage vehicles - 178 Crew Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gerry Tumilty, agent, in support of the application. **(Submission attached).**

[LA0720191031F 178 Crew Road.pdf](#)

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[Item 12 - LA07-2019-1031-F \(Crew Road\).pdf](#)

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13.0 LA07/2019/0283/O - site for dwelling and garage - 30m west of 45 Cranfield Road, Kilkeel, County Down. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Ian Patterson, agent, in support of the application. **(Submission attached).**

[LA07_2019_0283_O- Cranfield Road.pdf](#)

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[Item 13 - LA07.2019.0283.O \(Cranfield Road\).pdf](#)

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14.0 LA07/2019/0753/F - Proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park

at No. 8 Mill Road Bessbrook. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07.2018.0753.F Surestart.pdf](#)

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15.0 LA07/2018/1259/F - Redevelopment of existing petrol filling station and forecourt to include extension to existing supermarket to provide additional food server, deli space with associated seating and sanitary facilities, replacement of existing petrol pumps, fuel tanks and forecourt canopy with associated signage and additional carparking (amended site layout) - 82 Dundrum Road, Newcastle. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2018-1259-F REPORT Petrol Station Barbican Newcastle.pdf](#)

Page 226

16.0 LA07/2019/0161/F - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture and all associated works including new pedestrian path in St. Colman's Park - Hill Street, O'Hagan Street, Mill Street, Bridge Street John Mitchel Place and St. Colman's Park, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07_2019_0161_F-Hill Street.pdf](#)

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17.0 LA07/2019/0576/F - Environmental improvement scheme - Main Street adjacent to Sacred Heart Catholic Church extending to the junction with School Hill adjacent to Dundrum Bay Holiday homes site also incorporates an area east of Murlough Bay Court to the rear of Kennan Commercials 30 Main Street and bordered on the north by the former boat building Quay. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07_2019_0576_F_Dundrum Environmental Improvements.pdf](#)

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18.0 LA07/2019/0625/LBC - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture and all associated works - Ballybot Bridge, Mill Street, Newry. (Case Officer report attached).

Rec: CONSENT

- Addendum list

[LA07_2019_0625_LBC- Ballybot Bridge.pdf](#)

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19.0 LA07/2019/0500/F - extension of car park and fencing - Derryleckagh Playing Fields, Ballyholland Road, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07_2019_0500_F- Derryleckagh Playing Fields.pdf](#)

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20.0 LA07/2019/1245/F - implementation of a pedestrian footpath to join into existing pedestrian footpath - approx 75m SW of 58 Derrymore Road, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-1245-F Approximately 75m SW of 58 Derrymore Road.pdf](#)

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For Noting

21.0 Historic Action Sheet.

[Planning HISTORIC TRACKING SHEET - UPDATED 23-09-2019.pdf](#)

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22.0 September 2019 Planning Committee Performance Report. (Attached).

23.0 Record of Meetings between Planning Officers and public representatives.

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 18 September 2019 at 11.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

Councillor P Brown
 Councillor L Devlin
 Councillor G Hanna
 Councillor C Mason
 Councillor D McAteer
 Councillor H McKee
 Councillor M Ruane
 Councillor J Trainor

(Officials)

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms L Coll	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/090/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Clarke and Harte.

P/091/2019: DECLARATIONS OF INTEREST

Councillor P Brown declared an interest in Item 6: LA07/2017/1182/F and said he had previously given a public opinion on this application.

**P/092/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

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

- **LA07/2017/1182/F** – Strategic roadside service facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction / excavation works – Belfast Road, Newry. **REFUSAL** – all Councillors can take part in the discussion / decision on this application with the exception of **Cllrs Brown, Devlin and Mason**
- **LA07/2018/1913/0** – Infill site for 1 No. dwelling – site between 33 and 37 Ballard Road, Lislea. **REFUSAL** – all Councillors can take part in the discussion / decision on this application with the exception of **Cllrs Brown, Clarke, Reilly and Devlin.**

MINUTES FOR CONFIRMATION

**P/093/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 18 SEPTEMBER 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 18 September 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 18 September 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/094/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 September 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 18 September 2019: -**

- **LA07/2019/0602/F** – Retention of 2 No. mobile/containers used as, 1 – changing / shower block and 2 – toilet block & proposed third mobile/containers to be used as a changing/shower block and paladin type boundary fence. (amended plans) – **APPROVAL**
- **LA07/2019/0799/F** – Proposed widening and regrading of sections of the existing race course and realignment of existing ambulance track at Downpatrick Racecourse, Downpatrick – Lands at Downpatrick Racecourse. - **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/095/2019: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

- (1) **LA07/2017/1182/F**
(Audio recorded - NO)

(11.20am: Councillors Brown, Devlin and Mason withdrew from the Meeting)

Location:

Belfast Road, Newry.

Proposal:

Strategic roadside service facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction / excavation works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In objection:

Eunan Duffy; Dublin Road Services Operators Group; Conor Cochrane and James McKevitt.

In support:

Eamonn Loughrey, Agent

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power point presentation 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.

Mr Euan Duffy gave a presentation raising objections to the application, and gave historical background information regarding the site, in particular the former Mother

& Baby/Magdalen Institution that operated on the site at 132 Armagh Road Newry. He believed there were burial anomalies relating to the existing graveyard and no scientific equipment had been used to find remains. He said he would like to see the entire site investigated, including the site for the proposed Maxol Petrol Station.

Ms Coll, Legal Advisor reminded the Committee that they were to focus on material planning considerations pertaining to the application and were not in a position to take a view on the views raised by this objector in the context of the application.

Mr Stephen Hughes on behalf of the Dublin Road Services Operators and Mr James McKeivitt gave a presentation on behalf of the Dublin Road Services Operators Group highlighting the damaging impact the scheme would have on local businesses and the rural community along Dublin Road Newry.

Mr Conor Cochrane gave a presentation on behalf of Mr Colum Meehan business owner, objecting to the application in which he highlighted the failure of the applicants to demonstrate a need for the facility, the application will mar the distinction between the countryside and Newry and it will have a negative impact on his client's business.

Mr Eamon Loughrey gave a presentation in support of the application and responded to the following issues raised in previous presentations in objection to the application:

Indication of need
Existing designated service area
Limited additional service provision
Job losses
Downgrade of an important route
Unnecessary countryside development
Complicating A1 signage

Issues raised:

Considerable discussion then followed during which several issues were raised as follows:

- Proximity of other existing Services Stations and existing wide range of services including HGV services
- This planning application failed to demonstrate need and would mar the distinction between countryside and the city of Newry
- Integration
- The roads access had been accepted by Planners
- Turnover projections
- Negative impact on local businesses and employment
- Assurances for compliancy during any construction work regarding historical burial anomalies around the site - any planning approval could be conditioned to ensure earth movements on site were monitored
- Signage

- The applicant believed they had shown this proposal would have no adverse effect on Fiveways which provided for local need; it was well integrated and would not impact on any key critical views.
- The applicant had not fully demonstrated to Committee that there would not be an adverse impact on Fiveways – figures presented did not properly address or quantify this.
- Local jobs should not be displaced by a facility strategically designed for long distance travellers.
- Concerns following the site visit regarding the exit/entrance to the proposed new facility – there seemed to be a minimal distance to the roundabout as is and this would add another exit/entrance.
- Dfi representative – AMP3 was entirely a matter for planning – the design and access and traffic management were acceptable to Roads Service.
- Planners considered the proposal did not comply with ICS15 and therefore there was no exception under AMP3 – the roads were part of the protected route.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2017/1182/F contrary to Officer recommendation, on the following basis. The proposal was seconded by Councillor McAteer.

- The application was for a strategic facility of Northern Irish, and UK importance, and fell within the requirements of IC15 given the lack of existing provision servicing the A1 for long distance travellers.
- SSP6 279 – 6281 – The site was already essentially in an urban environment of motorways, embankments and roundabouts. The facility was a strategic need which offered justification for the relaxation of this planning policy.
- SSP CTY1 OF PPS1 was fulfilled due to its strategic location, ie, an EU/UK gateway.
- Policy IC15 was fulfilled given the strategic location of the site along a key transport corridor and link corridor to the A28 and A27.
- The site was located adjacent to the trunk road network and there were clear indications there was no other facility within a 12 mile radius capable of providing the full range of services for long distance drivers. These facts offered justification under SSP CTY13 and CTY14 of PPS21.
- With regard to CTY15 of PPS21, given that the development would not mar the distinction between the countryside and urban settlement limit given that it had characterisations of an urban environment with roundabouts etc, and motorway infrastructure and could be successfully landscaped.
- With regard to PPS3, this policy does not apply in this instance and the recommendation from DFI Roads that the design was satisfactory for direct access, should be accepted.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 5
Against: 2
Abstentions: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Reilly seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/1182/F contrary to Officer recommendation, on the following basis:

- The application was for a strategic facility of Northern Irish, and UK importance, and fell within the requirements of IC15 given the lack of existing provision servicing the A1 for long distance travellers.
- SSP6 279 – 6281 – The site was already essentially in an urban environment of motorways, embankments and roundabouts. The facility was a strategic need which offered justification for the relaxation of this planning policy.
- SSP CTY1 OF PPS1 was fulfilled due to its strategic location, ie, an EU/UK gateway.
- Policy IC15 was fulfilled given the strategic location of the site along a key transport corridor and link corridor to the A28 and A27.
- The site was located adjacent to the trunk road network and there were clear indications there was no other facility within a 12 mile radius capable of providing the full range of services for long distance drivers. These facts offered justification under SSP CTY13 and CTY14 of PPS21.
- With regard to CTY15 of PPS21, given that the development would not mar the distinction between the countryside and urban settlement limit given that it had characterisations of an urban environment with roundabouts etc, and motorway infrastructure and could be successfully landscaped.
- With regard to PPS3, this policy does not apply in this instance and the recommendation from DFI Roads that the design was satisfactory for direct access, should be accepted.

It was also agreed that Officers be delegated authority to impose relevant conditions, including ensuring the proper site

investigations were carried out.

(12.45pm: Councillors Brown, Devlin and Mason re-joined the Meeting)

**(2) LA07/2018/1732/F
(Audio recorded - Yes)**

Location:

16 McKays Road, Castlewellan.

Proposal:

Replacement dwelling and re-positioning of access.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Eoin Morgan, agent and Majella Cunningham, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation 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.

Issues raised:

- Planners advised that the proposed design was not of traditional rural form and there were several elements within the design that were not compliant with rural design.
- The agent/applicant said advice from the Planning Office was not clear throughout the process and the proposed dwelling was a betterment on the existing one.

(Councillor Devlin left the meeting – 1.00 pm)

Councillor Larkin proposed to issue an approval, contrary to officer recommendation, in respect of Planning Application LA07/2018/1732/F , on the basis that the proposed design was appropriate for a rural setting and would be an improvement on the existing structure. Councillor Ruane seconded the proposal.

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

For: 7
Against: 2
Abstentions: 0

The proposal was declared 'carried'.

Agreed: On the proposal of Councillor Larkin, seconded by Councillor Ruane it was agreed to issue an approval, contrary to officer recommendation, in respect of Planning Application LA07/2018/1732/F on the basis that the design was appropriate for a rural setting and would be an improvement on the existing structure.

It was also agreed Officers be delegated authority to impose any relevant conditions.

(1.05pm: The meeting adjourned for lunch)

(2.00pm: The meeting resumed)

**(3) LA07/2019/0830/O
(Audio recorded – Yes)**

Location:

Land NW of 11 Wateresk Road, Dundrum.

Proposal:

Erection of 2 no. infill dwellings.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Eoin Morgan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer, gave a power point presentation 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.

Issues Raised:

Issues were discussed concerning the continuation of laneway.

Councillor Ruane proposed to defer Application LA07/2019/0830/O for a site visit to allow Members to assess the site in more detail. Councillor McAteer seconded the proposal.

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

For: 6
Against: 2
Abstentions: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Ruane it was agreed to defer planning application LA07/2019/0830/O for a site visit to allow Members to assess the site in more detail.

(4) **LA07/2018/1855/F**
(Audio recorded – YES)

Location:

Between No. 124a and 126 Carsonstown Road, Saintfield, Ballynahinch.

Proposal:

Proposed 2 no. infill dwellings and garages.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ryan McBirney and Lisa Shannon, agents presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer gave a powerpoint presentation 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.

Issues Raised:

Issues were raised regarding consideration of the detached shed located to the side of the house, as it was believed it would meet the definition of a building under the Planning Act.

It was noted the shed was discounted from part of the consideration as it did not have its own frontage to the road.

It was further noted the shed was accessed via the dwelling and was a building in its own right and had as much frontage to the road as a domestic garage would have.

Councillor Hanna proposed to issue an approval in respect of application LA07/2018/1855/F, contrary to Officer recommendation, on the basis that there is a continuous build up frontage and accept that the garage located at the side of the house is a pointer to mark from and is compliant with Policy CTY8.

Councillor McKee seconded the proposal.

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

For: 8
 Against: 1
 Abstentions: 0

The proposal was declared 'carried'.

AGREED: **On the proposal of Councillor Hanna , seconded by Councillor McKee it was agreed to issue an approval in respect of application LA07/2018/1855/F, contrary to Officer recommendation, on the basis that there was a continuous build-up of frontage and accept that the garage located at the side of the house was a pointer to mark from, and was compliant with Policy CTY8.**

It was also agreed Officers be delegated authority to impose any relevant conditions.

**(5) LA07/2015/1302/F
 (Audio recorded – YES)**

Location:

Lands to the rear of 11-29 Thomas St., and adjacent to access road to Buttercrane Shopping Centre.

Proposal:

Proposed new retail development at ground floor with 4 no. 2 bed apartments at 1st floor level, relocation of existing NIE sub-station and provision of associated car parking and landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Richard O'Toole and Ronan Sheehy, Planning Consultants, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Kieran Fearon, Dfi Rivers Agency, was also in attendance to answer queries from Members.

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power point presentation 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.

(2.45pm: Councillor Brown left the meeting)

Issues Raised:

- Discussion took place concerning flood risk at the site location and surrounding vicinity and the inclusion of flood mitigating measures.
- There were two live planning approvals on the site, with no mitigating flood protection measures, which could be implemented at any time– however the proposed scheme was fundamentally better and provided mitigating flood measures around how the building operated.
- Dfi – no flood measures could be put in place that would provide the level of protection to prevent flooding such as that which occurred unless there was a major capital spend.

Mr F O Connor Legal Advisor advised the Committee must consider the application on its own merits. Forceful evidence had been given on the flood risk. Evidence of any extant permission was not something the application should be measured against.

Councillor Reilly proposed to issue an approval in respect of planning application LA07/2015/1302/F, contrary to Officer recommendation, on the basis that given the live approvals regarding this site which could exacerbate and make worse any future flooding, and there was now a new application that would mitigate flood risk, concerns regarding Policy FLD1 fell away. Councillor Hanna seconded the proposal.

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

For: 3
 Against: 5
 Abstentions: 0

The proposal was declared 'lost'.

Councillor Larkin proposed to issue a refusal in respect of Application LA07/2015/1302/F, as per the information and recommendation contained the Case Officer Report presented to Committee. Councillor Trainor seconded the proposal.

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

For: 5
 Against: 3
 Abstentions: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Trainor, it was agreed to issue a refusal in respect of Application LA07/2015/1302/F, as per the information and

recommendation contained the Case Officer Report presented to Committee.

**(6) LA07/2017/1235/F
(Audio recorded – YES)**

Location:

No. 31 Cardinal O’Fiaich Square, Crossmaglen.

Proposal:

Demolition of No. 31 and erection of two shop units on ground floor with 4 no. apartments on first and second floors.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power point presentation 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.

Issues raised:

- Could the design be altered to reduce the impact on the adjoining building.
- Mobility issues.
- Planners had accepted that the building was in a poor state of repair and had to be demolished.
- The agent said there was adequate private amenity space provided.

Councillor Hanna proposed to issue a refusal in respect of Application LA07/2017/1235/F, as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Reilly seconded the proposal.

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

For: 2
Against: 2
Abstentions: 4

The Chairperson used his casting vote and voted against the proposal.

The proposal was declared lost.

Councillor McAteer proposed to defer application LA07/2017/1235/F, for further discussion between the Planning Department and agent, and that Officers be delegated authority to issue a decision in due course. Councillor McKee seconded the proposal.

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

For: 8
Against: 0
Abstentions: 0

The proposal was declared 'carried'.

AGREED: **On the proposal of Councillor McAteer seconded by Councillor McKee it was agreed to defer application LA07/2017/1235/F, for further discussion between the Planning Department and agent, and that Officers be delegated authority to issue a decision in due course.**

(7) **LA07/2018/1670/F**
(Audio recorded – YES)

Location:

30m North East of 6 Main Street, Camlough, Newry.

Proposal:

Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Rock Road.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Sam McKee, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer referred the Committee to Page 172 of the Agents submission, and in view of the applicant's agreement to allow the existing access to be used, agents had confirmed they were content to allow the application to be deferred.

Issues Raised:

None

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to defer application LA07/2018/1670/F for**

further discussion on the basis that the applicant had agreed to allow the existing access to be used.

It was also agreed Officers be delegated authority to issue a decision in due course.

(Councillor Reilly withdrew from the meeting).

**(8) LA07/2018/1913/O
(Audio recorded – YES)**

Location:

Site between 33 and 37 Ballard Road, Lislea.

Proposal:

Infill site for 1 no. dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Anthony O'Hare, agent, was not in attendance.

Power-point presentation:

Mr McKay Chief Planning Officer gave a power point presentation 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.

Issues Raised:

None.

Councillor Hanna proposed to issue a refusal in respect of application LA07/2018/1913/O, as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor McKee seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 7
Against: 0
Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to issue a refusal in respect of application LA07/2018/1913/O, as per the

information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Reilly re-joined the meeting).

**(9) LA07/2019/0008/F
(Audio recorded –YES)**

Location:

Circa 70m East of No. 14a Ayallogue Road, Newry.

Proposal:

Site for infill dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barry Owens, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power-point presentation 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.

Issues Raised:

- Laneway and curtilage
- Access frontage to road

Councillor Hanna proposed to accept the officer recommendation to refuse the application. There was no seconder for this proposal.

Councillor McAteer proposed to issue an approval in respect of Application LA07/2019/0008/F, contrary to officer recommendation, based on the fact the development would not impact on the area as there were buildings situated beside and opposite the site, and that curtilage be extended to the bottom of the driveway given it was much wider than a normal agricultural laneway.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 6
Against: 1
Abstentions: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor McKee it was agreed to issue an approval in respect of Application LA07/2019/0008/F, contrary to officer recommendation, based on the fact that the development would not impact on the area as there were buildings situated beside and opposite the site, and that curtilage be extended to the bottom of the driveway given it was wider than a normal agricultural laneway.

It was also agreed Officers be delegated authority to impose any relevant conditions.

(10) LA07/2019/0307/O
(Audio recorded – YES)

Location:

Between 125b and 135 Culloville Road.

Proposal:

Dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Richard O'Toole, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Andrew Davidson Senior Planning Officer gave a power point presentation 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.

Issues Raised:

- An identifiable ribbon was already established at this location.

Councillor Larkin proposed to issue a refusal in respect of application LA07/2019/0307/O, as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor McKee seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 4
Against: 3
Abstentions: 1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor McKee it was agreed to issue a refusal in respect of application LA07/2019/0307/O, as per the information and recommendation contained in the Case Officer report presented to Committee.**

(11) **LA07/2018/1543/O**
(Audio recorded – YES)

Location:

Cullion Road, Mayobridge, (immediately adjacent to and South of 6A Cullion Road).

Proposal:

Site for infill dwelling and garage (revised site location plan).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Bailie, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation 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.

Issues Raised:

- Approval had been granted on the site in 2011 as an infill.

Councillor Hanna proposed to issue a refusal in respect of Application LA07/2018/1543/O as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Trainor seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 8
Against: 0
Abstentions: 0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed to issue a refusal in**

respect of Application LA07/2018/1543/O as per the information and recommendation contained in the Case Officer report presented to Committee.

**(12) LA07/2018/1614/O
(Audio recorded – YES)**

Location:

50m South of No. 24 Island Road, Attical, Kilkeel.

Proposal:

Dwelling on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Cole, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation 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.

Issues Raised:

None

AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to defer application LA07/2018/1614/O for a site visit.

**(13) LA07/2019/0207/F
(Audio recorded – YES)**

Location:

70 m East of No. 53 Cullion Road, Mayobridge, Newry.

Proposal:

Erection of dwelling (change of house type from that approved under P/2013/0631/F).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Bailie, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation 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.

Issues Raised:

None

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue an approval in respect of Application LA07/2019/0207/F contrary to officer recommendation on the basis that the site was appropriate for the locality and would not set a precedent.

It was also agreed Officers be delegated authority to impose any relevant conditions.

(14) **LA07/2019/0620/O**
(Audio recorded – NO)

Location:

Adjacent and SW of 76 Drumlough Road, Mayobridge.

Proposal:

New dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation 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.

Issues Raised:

- Issues regarding built up frontage and whether the house and garage would be considered as one building.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Application LA07/2019/0620/O on the basis that continuous frontage exists along the road and an agricultural access should not be considered as breaking the frontage at this location.

It was also agreed Officers be delegated authority to impose any relevant conditions.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of Part 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of a particular person (including the Council holding that information) and the public may, by resolution, be excluded during these items of business.

(15) LA07/2018/0860/F
(Audio recorded – NO)

Location:

45m NE of No. 14 Rath Road, Clonallon GlebeTb, Warrenpoint.

Proposal:

Proposed replacement dwelling (amended drawings).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation 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.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to come out of Closed Session.

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

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer application LA07/2018/0860/F to allow further discussion between the Planning Department and the agent/applicant.

FOR NOTING

P/086/2019: HISTORIC ACTION SHEET

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

AGREED: It was unanimously agreed to note the Planning historic action sheet.

P/087/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – AUGUST 2019

Read: Planning Committee Performance Report August 2019.
(Copy circulated)

AGREED: It was agreed to note the Planning Committee Performance Report August 2019.

P/088/2019: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives. **(Copy circulated)**

AGREED: It was agreed to note the record of Meeting between Planning Officers and Public Representatives.

P/089/2019: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – August 2019.
(Copy circulated)

AGREED: It was agreed to note the Appeals and Decisions July 2019.

It was also agreed Councillor H Reilly discuss matters regarding consultee replies and the applications backlog with Mr A McKay Chief Planning Officer.

The Meeting concluded at 5.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 16 October 2019.

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 16 October 2019

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:-

- **LA07/2019/0753/F** - Proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook. **APPROVAL**
- **LA07/2018/1259/F** - Redevelopment of existing petrol filling station and forecourt to include extension to existing supermarket to provide additional food server, deli space with associated seating and sanitary facilities, replacement of existing petrol pumps, fuel tanks and forecourt canopy with associated signage and additional carparking (amended site layout) - 82 Dundrum Road, Newcastle. **APPROVAL**
- **LA07/2019/0161/F** - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture and all associated works including new pedestrian path in St. Colman's Park - Hill Street, O'Hagan Street, Mill Street, Bridge Street John Mitchel Place and St. Colman's Park, Newry. **APPROVAL**
- **LA07/2019/0576/F** - Environmental improvement scheme - Main Street adjacent to Sacred Heart Catholic Church extending to the junction with School Hill adjacent to Dundrum Bay Holiday homes site also incorporates an area east of Murlough Bay Court to the rear of Kennan Commercials 30 Main Street and bordered on the north by the former boat building Quay. **APPROVAL**
- **LA07/2019/0625/LBC** - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture and all associated works - Ballybot Bridge, Mill Street, Newry **CONSENT**
- **LA07/2019/0500/F** - extension of car park and fencing - Derryleckagh Playing Fields, Ballyholland Road, Newry. **APPROVAL**
- **LA07/2019/1245/F** - implementation of a pedestrian footpath to join into existing pedestrian footpath - approx 75m SW of 58 Derrymore Road, Newry **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Ref: LA07/2016/1074/RM

Proposal: Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill and other associated operational development.

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

1.0. Site Characteristics & Area Characteristics:

1.1. The site to which this application relates comprises a large area which extends to include the playing fields of the former Abbey Grammar School and also Abbey Primary School site. The site can be accessed from Castle Street / Abbey Way via the existing access which served the St Colman's Abbey Primary School site. This school is now closed however the access and buildings remain. This access is located between no.71 Castle Street and the adjacent Listed Building. The driveway of No.71 Castle St is also accessed via this entrance, whereby the ground levels of this entrance road slope down to the former school buildings.

1.2. The second and main access is from Courtney Hill.

- 1.3.** The bulk of the application site consists of the entrance, parking area and tarmacked playground of the school along with the playing fields to the north. The main school buildings and curtilage are outside the site boundary and are separated from the playing fields by green palisade fencing with hedging and trees to the northern side of the fence. The eastern boundary of the playing field is defined by mature vegetation; the northern boundary is open to the rear of St Clare's Convent and does not have a formal boundary, while the western boundary is defined by fencing and hedgerows.
- 1.4.** The playing field is at a lower level to the existing school building, and to the buildings to the west along Abbey Way.
- 1.5.** The site is located within the urban area, there is a mix of commercial, residential and community uses in the immediate vicinity.

2.0. Site History:

P/2014/0335/O Lands at Abbey Way/Courtney Hill (including part of former grammar school lands part of primary school lands and lands to rear of Abbey Yard) Ballymacraig Newry BT34 2ED,

Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill, the demolition of existing buildings (used as school meals kitchen and kindergarten) to the rear of 10 Abbey Yard and other associated operational development. Approved 15.05.2015.

There are also previous associated Demolition Consent applications on this site (P/2014/0337/DCA and 0366/DCA).

3.0. Planning Policies & Material Considerations:

- The Planning Act (Northern Ireland) 2011
- Regional Development Strategy 2023
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- Planning Policy Statement 2 (PPS2): Natural Heritage

- Planning Policy Statement 3 (PPS 3): Access Movement and Parking
- Planning Policy Statement 4 (PPS4): Planning and Economic Development
- Planning Policy Statement 6, (PPS 6): Planning Archaeology and the Built Heritage
- Planning Policy 15, (PPS 15) Planning and Flood Risk
- DCAN15 – Vehicular Access Standards
- Parking Standards

4.0. Consultations:

4.1. Details are provided in Appendix 6 and summarised as follows:

Newry, Mourne & Down Environmental Health. No objections subject to planning condition.

DfC. Historic Environments Division Archaeology and Built Heritage (HED: HM). No objections subject to planning conditions.

DAERA Planning Response Team. Water Management Unit (WMU), Natural Heritage and Conservation Areas. No objections subject to conditions.

DfI Rivers Agency. No objections.

DfI Roads: In its final response, dated 19 September 2019, DfI Roads raised a number of concerns about the proposal and recommended refusal for a number of reasons. The issues raised are discussed below.

NI Water. No Objections.

5.0. Objections & Representations

5.1. Details of the initial application and additional information received were advertised in the local press on 28 & 28 April 2017 and 13 & 15 May 2019. Nearest neighbours were notified on 2 May 2017 and 7 May 2019.

14 objection letters were received from 5 different addresses. These objections list the following concerns:

- The information submitted shows an increase of traffic approximately 300% above that envisaged at outline stage.

- New drawings show proposed 6m radius to Abbey Way, different to DfI Roads request for 10m at Outline stage.
- Drawings do not show how privacy and access to 71 Castle Street are maintained or improved, especially given the proposed access will be used by buses and HGV.
- Concerns in relation to the impact this proposal will have on the progression of traffic especially given the congestion experienced as a result of the new school at Courtenay Hill. Concerns are raised in respect of how this will impact on the existing residents and on emergency services ability to access residents at peak times of the day.
- Concerns relating to overlooking from the proposed CCTC to the St Clare's Abbey Primary school site.
- The principle of St Clare's Abbey Primary School has written to express concern about the traffic congestion that has resulted with the school having recently moved. She suggests that a Travel Plan should be required for the proposal and that the Planning Department should contact the PSNI to request a report on the existing problems which have been experienced. The Planning Authority will consult DfI Roads in relation to traffic congestion.
- Another objection has been received from 2 Hennessy Park in relation to the fact that the proposed Psychiatry use within the proposed CCTC building and the perceived danger that may occur from it to nearby residents, citing an incident which occurred within the local trust area in recent years. The site will be well served by CCTV as shown on the proposed plans, and the building is only to be used through the working day hours from 8am to 6pm. Given these restrictions and measures it is not envisaged that the danger which may arise at a 24 hour accident and emergency site would occur at this site.
- The Newry Hospice, while highlighting that it is not objecting to the scheme have raised concerns in relation to traffic congestion and the availability of Blue Light Services being able to access their property in emergencies. DfI Roads have been asked to comment on concerns

relating to Traffic Congestion and this will be assessed within the Access Paragraph below.

- The majority of objections raised have been in relation to roads related matters and will be addressed throughout the remainder of the report. The Planning Department requested that DfI Roads consider the objections in relation to traffic, congestion issues and the issues relating to the proposed radii and access arrangements to the Abbey Way entrance. Its response is provided below.

6.0. Consideration and Assessment:

- 6.1.** The principle of development has already been established, under a previous outline approval granted under file reference P/2014/0335/O (Granted 2015), with the Reserved Matters application being submitted in 2016 (i.e within 3 years). This application must now be assessed against the terms of that outline approval and prevailing planning policy requirements.
- 6.2.** 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.
- 6.3.** 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.

- 6.4.** This site is located within the settlement limit of Newry as defined by the Banbridge, Newry and Mourne Area Plan 2015 (BN&MAP 2015). The site is on land zoned under NY 88 as a Development Opportunity Site. It's partially within NY 75 zoning for Newry City Centre, NY 128 Local Landscape Policy Area and the Newry Conservation Area. Zoning NY 88 in BN&MAP 2015 is subject to a number of key site requirements including the provision of a minimum of 14 social housing dwellings. The agent has submitted additional documentation through this proposal to demonstrate how the key site requirements of NY 88 can still be achieved within remaining land, not forming part of this application but within the remainder of the zoning. The applicant also owns this part of the zoning. Therefore this proposal does not represent a departure from the area plan as the applicant has given an indication that he could convert a building which he owns to meet the key site requirements in the future.
- 6.5.** The following are the matters left reserved in the previous outline approval and now to be considered as part of this application assessment:

Siting; the location of buildings within the site.

- 6.6.** The proposed building will be located to the northern portion of the site, located directly behind the existing commercial premises located along Abbey Way and behind the St Coleman's Abbey Primary School. This land is located at a significantly lower level than the roadside when viewed from Abbey Way and from Courtney Hill. The building is also located at the furthest point on the site away from the existing listed buildings. This helps overcome policy concerns when assessing it against BH11 for development affecting the setting of the listed buildings located on adjacent sites.

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.

- 6.7. The proposed design of the building is in keeping with most health care facilities. It will be a 5-storey building which is 17.8m in height from proposed ground level. The building will have a flat roof with glass atriums and will visually be in keeping with a typical designed health facility design. The bulk of the main building will be approximately 3m higher than that of the existing commercial building fronting onto Abbey Way when viewed from Abbey Way and it will be approximately 1.5m higher than the existing St Coleman's Primary School when viewed from Courtney Hill. When viewed from Abbey Way it will be viewed against the backdrop of rising land within the existing topography including remaining vegetation and trees which are protected on land to the rear of the site towards the new St Clare's Primary School. The design submitted shows appropriate fenestration with a predominantly vertical emphasis, HED has been consulted in relation to the proposal to ensure that the height massing and design of the proposal will not have an adverse impact on the existing listed structures along Abbey Way (Abbey Yard) and the St Coleman's Primary School. In its response it confirmed that the proposal satisfies the policy requirements of BH 11 of PPS 6 subject to conditions in relation to the materials to be discussed below. The Proposal has also been considered by the Planning Authority in relation to the Newry Conservation Area, and in particular policy BH 12 of PPS 6. The Planning Authority has assessed the height massing and scale of the proposal and find the proposal acceptable when assessed against the conservation area policy and guidance. The height and low elevation design ensures that the proposed building reflects the character of the surround buildings, while utilising the lower ground level to accommodate a compact footprint to achieve the required uses within the development. While there may be the opportunity for advertisements to be displayed these will have to be sensitively designed and with appropriate materials and will be subject to separate applications. These will not be assessed through this application. Given the height differences between this building and the ground level of St Clare's Primary there will not

be any overlooking to the existing primary school grounds and the query received in relation to this issue has been assessed and is not a concern.

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

- 6.8. The proposed materials will be polyester powder coated double glazed aluminium windows, polyester powder coated steel doors, polyester powder coated aluminium louvre's, polyester powder coated aluminium coping, polyester powder coated double glazed aluminium doors, timber gates and screen, proprietary render (Colour to be agreed prior to development commencing), polyester powder coated aluminium Brise Soleil, polyester powder coated aluminium cladding to columns and an aluminium clad canopy. HED was consulted on the proposed materials and is satisfied with these and have recommended conditions to state that the materials must be as specified on the drawings. It has also stated that the colour of the render be agreed with HED prior to works starting. A condition will be attached that this will be required to be submitted through the Planning Authority for agreement prior to works commencing on site. HED is satisfied that the proposal is in compliance with BH 11 of PPS 6. The Planning Authority has considered the proposed external appearance and materials in relation to the Conservation Area Guidance for Newry and the Policy BH 12 of PPS 6. The materials proposed are in keeping with those set out within the guidance booklet and the external appearance is acceptable given its proposed use, location and the surrounding buildings and the topography of the site.

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.

Access and Circulation Details

- 6.9. There are two proposed accesses to this site, one from Courtney Hill and a secondary access from Abbey Way. A new access road will be constructed from Courtney Hill to the CCTC building, and through to the Abbey Way entrance. This will utilise the existing access but with improvements and

modifications to provide an increased width of road, footway links and increased sight lines.

The entire new road will be flanked by footway links, as will the car parking arrangements to ensure that pedestrians and vehicle users have safe access from the CCTC facility. There is the provision of dropped kerbs with tactile blister paving to indicate when a pedestrian is approaching a road. The proposed building will be developed approximately on the same level as that of the proposed road infrastructure entering from Abbey Way, ensuring that the public can enter it without undue effort if they are less able bodied or requiring assistance. This ensures that the internal arrangement of the road and parking layout meets the requirements of AMP 1 of PPS 3.

- 6.10.** As part of the consideration of the Outline Application the Planning Committee Members attached a condition that the existing pedestrian subway links be upgraded and maintained through a scheme to be submitted within the Reserve Matters applications. The applicant has submitted a scheme documenting the current condition the subways, together with a proposal to upgrade the lighting to LED lights and to provide a one-off cleaning of the graffiti and an anti-graffiti protective coating to the subway, together with a de-weeding exercise. This will ensure that a safe pedestrian link is maintained from the main town centre and increase accessibility as per AMP 1.
- 6.11.** In relation to the access from the public road DfI Roads requested as part of the outline approval, that the accesses to the site shall be in accordance with RS 1 form submitted with their consultation reply. This was conditioned on the outline permission. The RS 1 form stated that access should be in accordance with diagram four of the RS 1 form which shows a central access with equal splays either side. The diagram also shows that appropriate radii should also be provided. The RS 1 form also states that the visibility splays, width of access, minimum radii shall all be to the satisfaction of DfI. It states that the gradient shall not exceed 1:25 over the first 20m outside the road boundary from the edge of the carriageway and that the access positions on Abbey Way and Courtney Hill shall be to the satisfaction of DfI Roads.

- 6.12.** The proposed access positions on Abbey Way are to be located at the existing access which served the school. This access is proposed to be widened, with the pillars and railings to the right side of the access to be removed. The pillar forming part of the boundary wall of No 71, will be partially demolished and rebuilt and reformed. There will be a provision of a footpath on either side of the access with a dropped tactile curb just inside the entrance for pedestrian safety. The proposed width of the access is 6.4m. The splays to this entrance are to be improved with the removal of the railings and wall to the south of the entrance and the re-shaping of the pillar to No 71 Castle Street.
- 6.13.** The radii to the proposed entrance at Abbey Way are proposed to be 6m. This is a restricted radii to this access and requires approval for a formal agreement for a relaxation from DfI Roads. In order for this to be acceptable a Service Management Plan was submitted to state that the larger vehicles entering the site will only enter and exit via the Courtney Hill Access. The access at Courtney Hill will provide adequate splays, a 10m radii at the entrance, a road width of 6.5m at the entrance and footways at the immediate junction of the entrance.
- 6.14.** There were protracted discussions during the assessment of this application between the applicant and DfI Roads. DfI Roads raised a number of concerns about the nature of the proposed access arrangements and the applicant submitted a number of revisions and supporting information seeking to address these concerns. In its final response, on the submitted Travel Plan and Transport Assessment, DfI Roads highlighted a number of issues with the data and modelling results submitted and highlighted its overall remaining concerns with the proposed development, as summarised as follows:
- the extent of parking provision in relation to the extent of the development. Which does not reflect the information contained in the Travel Plan of May 2019. The overflow will inevitably spill on to the local network which has no on-street space capacity; Walking to the facility is not likely to be appropriate for many patients. It should also be noted that parking still needs to be provided for the existing on-site businesses currently using approximately 12 spaces off the proposed

entrance.

- proposed development should be readily accessed by non-motorised user including the mobility impaired and visually impaired.
- the proposed access on to Abbey Way. The access is close to the start of the left filter lane. Also, traffic exiting the site on to Abbey Way and wishing to travel north will have to turn left, cross 2 lanes of traffic over a short distance and turn right at the Abbey Way/William Street/Boat Street junction.
- As this access will undoubtedly have an impact on the main Abbey Way, a Road Safety Audit should be undertaken in accordance with DMRB GG 119 to fully consider the safety of all road users accessing and utilising the proposed development.
- The proximity of public transport bus stops are not in close vicinity of the site as would be required. The details of the location of any nearby bus stops providing set down and pick up from and to Newry Bus Station and City Centre should be clarified. Cycling is unlikely to be a viable mode of transport to the facility. Sustainable long term public transport access to the site should be a requirement and access standards provided appropriately.
- It is indicated in the Travel Plan that no goods vehicles will access the site from Abbey Way and that the Courtney Hill access is intended to facilitate all HGV movements. This disregards existing access arrangements to the private house at 71 Castle Street which currently enjoys unfettered access for servicing and deliveries from Abbey Way. The access arrangements to this property cannot be curtailed and delivery/servicing vehicles cannot be prevented from stopping along its frontage within the Abbey Way entrance. These would cause obstruction and queuing on to Abbey Way resulting in impairment of sightlines. No justification for any relaxation of standard from a required

10 m minimum radius stipulated in outline approval P/14/0335/O has been provided. For the above reasons 6 m is considered to result in an unacceptable restriction on the use of the access.

- No details have been submitted for revised arrangements for access and egress to the rear and side parking at existing businesses which will all now be compelled to use the archway off Abbey Way.

Based on the issues raised above DfI Roads stated that the application is contrary to Policy AMP 2 and Policy AMP7 of Planning Policy Statement 3, Access, Movement and Parking

Car Parking

- 6.15.** The proposal is for a 106 treatment room facility. The Parking Standards are guidance published by the Department to suggest an appropriate level of car parking for the different land uses set out. This facility would fall into the D1 Use Class of a Health Care Centre. Several types of facilities are listed within the first column. The appropriate use is a health centre and the second column indicates that there would be a requirement of 4 spaces per treatment room, 1 space per Doctor or Vet and one space per two other staff as well as a minimum of 1 ambulance space. This would suggest that there should be approximately 424 car parking spaces provided as well as a minimum of 1 ambulance space. AMP 7 within PPS 3 is the policy which assessed car parking provision. There is no area of parking restraint designated within the existing Area Plan.
- 6.16.** The Applicant has submitted a Travel Plan to demonstrate that a reduced level of car parking to the proposed development can be applied. The Travel Plan indicates that there is a sufficient level of car parking on neighbouring streets. Some of these streets are residential and several public car parks are also listed. The Planning Department reviewed these figures and concluded that the adjacent streets referred would not have sufficient parking availability to accommodate the extra parking which would occur as a result of this facility. In response amended plans were submitted, by the agent, increasing

the parking provision within the final scheme now under consideration. The Travel Plan also indicates that there will be approximately 20 per cent of staff either on leave, training or working off site (i.e. midwives, district nurses etc.). The final plans and Transport Assessment confirms 397 car parking spaces, including 3 service vehicle spaces and an ambulance space. There is sufficient space within the service yard for turning and deliveries also. The RDS promotes a sustainable development and promotes the use of public transport for city centre developments. In this proposal, the amount of car parking to be provided must be based on all relevant material considerations, including those referred to above. On balance it is considered that the proposal complies with AMP 7 and the Parking standards.

- 6.17.** Several of the objections received in relation to this proposal relates directly to traffic congestion already existing given the committed and approved developments in the surrounding area, together with a possible impediment of blue light services to residents and the Newry hospice nearby. DfI Roads, in a consultation response dated Oct 2018, requested a revised Traffic Impact Assessment for the proposed scheme. The agent returned a detailed document to demonstrate why this was not required. The Planning Department also requested that DfI roads consider the concerns of the Local Residents, the Hospice and the St Clare's Abbey Primary School on traffic congestion and traffic progression. These issues formed part of the broader DfI Roads assessment.

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.

- 6.11.** The proposal is sited on an area which has several trees protected by a Tree Preservation Order (TPO). The landscaping drawings submitted indicates that a large central swath of trees (running in a north/south direction) located

within Woodland W3 will be removed to facilitate the proposed access road. However the loss of trees in the area of W3 is offset by a proposed tree planting scheme with a good mix of 42 native species trees (species clearly indicated) ranging from 4-5m in height, planted in groups of three. The drawing indicates the removal of 9 trees from the remainder of the site. Eight of the trees are TPO protected trees. They are tree Nos. 13 (a Cherry), 14 (Cherry), 15 (Cherry), 109 (Sycamore), 111(Birch), 112 (Sycamore), 113 (Sycamore). Tree 114 is excluded from the Order. The level changes at this location, within and adjacent to the root protection areas of trees 109 and 110 show that retention of the trees is not viable with respect to the development proposals. The drawing indicates the retention of a group of 3 sycamore trees to the west of the site entrance, tree group 107-108 and tree No 115 (an Oak). The drawing indicates that these TPO trees will be protected by protective fencing to the standard required by British Standard BS 5387:2012. A further group of 8 new mixed species tree, ranging in height from 4-5m are shown planted to the east of the site entrance. Additional planting of 12 mixed species trees with a height of 4-5m are shown located just to the west of the TPO protection area. The Tree Protection Officer has indicated that he would wish to see a replacement tree for Tree No 109, however given the location of the tree on the site plan and the replacement trees already proposed I do not feel that the integrity of the Scheme would be adversely affected by not replacing this tree.

- 6.12.** There is a large portion of the proposed site covered by car parking, access roads and retaining structures to accommodate the proposed access roads. The proposed new access off Courtney Hill will cut through the site where there is an existing steep slope within the topography running east to west. The proposed new access will run north to south. In order to accommodate this there will be a large proportion of cut to the slope. In some areas up to 3.5m of ground will be cutaway, with the existing ground remaining being supported by retaining walls. Some of these retaining structures are substantial in height, especially to the west of the access road where these are 2.3m left visible after banking. Adjacent planting is intended to screen these structures. The planting proposed is of a mature nature and will aid the

integration of these structures and reduce any adverse impact on the setting of the listed structures or the Conservation Area, therefore meeting the requirements of BH 11 and BH 12 of PPS6. To the top of the slope there is a proposed reinforced earth retaining structure faced with climbing plants (akin to a living wall). This will achieve a vital engineering function while also ensuring that the amount of hard landscaping development will be kept to a minimum when viewed from public viewpoints within the scheme.

- 6.13.** The roads and car parking will be hard surfaced and finished with asphalt, while the foot paths will be finished in asphalt with white chips. The entrance area to the main building will be paved with silver coloured granite flagging, Tobermore Manhattan concrete paving blocks, Tobermore Mayfair concrete paving flags. There will also be a range of kerbing and blister paving to identify drop kerbs and pedestrian crossings. Street lighting, CCTV, and bins are all marked on the plans, together with several areas of grass, low elevation shrub planting and hand rails.

An objection has been received from an existing property at the proposed Abbey Way entrance to the site, which raised concerns about the impact on privacy. The Planning Department has considered this issue. In view of the proposed boundary treatments (including the retention of an existing wall and proposed shrub planting submitted plans) and the impact of the previous use on the adjacent former school site, it is considered that the proposal will not adversely impact on this existing property. The boundary treatment is clearly shown in section D-D of the Boundary Treatment Plan. Adjacent to this planting will be the proposed foot path and then the proposed road, which was present for the site's previous use. The increase in road widths does not cause concern in relation to the privacy of amenity for No 71. The developer proposed to retain many of the existing walls onsite and reinforce or repair these walls for reuse. This would ensure that the historic fabric of the site will be retained as much as possible and would be in keeping with conservation area policies.

- 6.14.** A detailed scheme to deal with the existing Japanese Knotweed on site has been submitted. Its implementation can also be conditioned as part of any formal decision Overall both the hard and soft landscaping plans provide a significant level of detail which demonstrates that the proposed landscaping arrangements will be of a high quality and will result when development a mixture of essential parking and access arrangements while ensuring that these are softened by low and medium level planting so that the overall development will be attractive amenity feature.
- 6.15.** A detailed landscaped Management Plan has been submitted as part of the Reserve Matters application. This Plan details the proposed implementation and maintenance of the landscaped areas and will be condition to be implemented in perpetuity on any approval forthcoming.

Other Issues/Material Considerations.

Drainage Assessment

- 6.16.** The application has submitted a drainage assessment for the proposal considering it will involve significant hard surfacing on a site that is mostly grassland at present. The scale of the proposal would meet the requirements of FLD 3 and therefore a drainage assessment is required to demonstrate compliance with the policy. DfI Rivers have assessed the drainage assessment and are content with its contents. It is proposed to introduce mitigation measures to ensure that the risk from pluvial flooding is reduced from medium to low. It is also proposed that the storm drainage will be directed through the site to the lands beyond. This proposal is therefore compliant with FLD 3 of PPS 15.

Archaeological Submission

- 6.17.** An archaeological method statement has been submitted and DfC HED have been consulted with the documentation. They have returned their consultation response to state that the scheme can now proceed to licencing stage. The condition attached at outline stage should be reattached to any approval forthcoming to ensure the programme of archaeological works are

implemented prior to the commencement of development on site to ensure compliance with BH 1 and BH 3 of PPS 6.

Air Quality Management Report

- 6.18.** The site is located within the Newry Urban Centre Air Quality Management Area (AQMA). A condition on the outline requested the developer must submit documentation to demonstrate that the proposal will not have a negative impact on Air Quality within this designed area. The Applicant has submitted documentation as well as a travel plan to highlight mitigation measures which will be taken to ensure that the pollution within the AQMA will not be adversely increased as a result of this proposed development. Environmental Health have considered the information submitted and are content with the proposals subject to the Travel Plan submitted in September 2018 being conditioned to be implemented on any approval.

Badger Setts

- 6.19.** Information was submitted at the beginning of the Reserve Matters application to demonstrate that what was thought to be a badger sett at the outline stage was in fact not a badger sett. This information came in the form of an ecologist report. DEARA NED (Natural Heritage Division) was consulted with this report and agreed with the conclusion of the report that there were no badgers on site. This proposal now complies with NH 2 of PPS 2.

7.0. Conclusion.

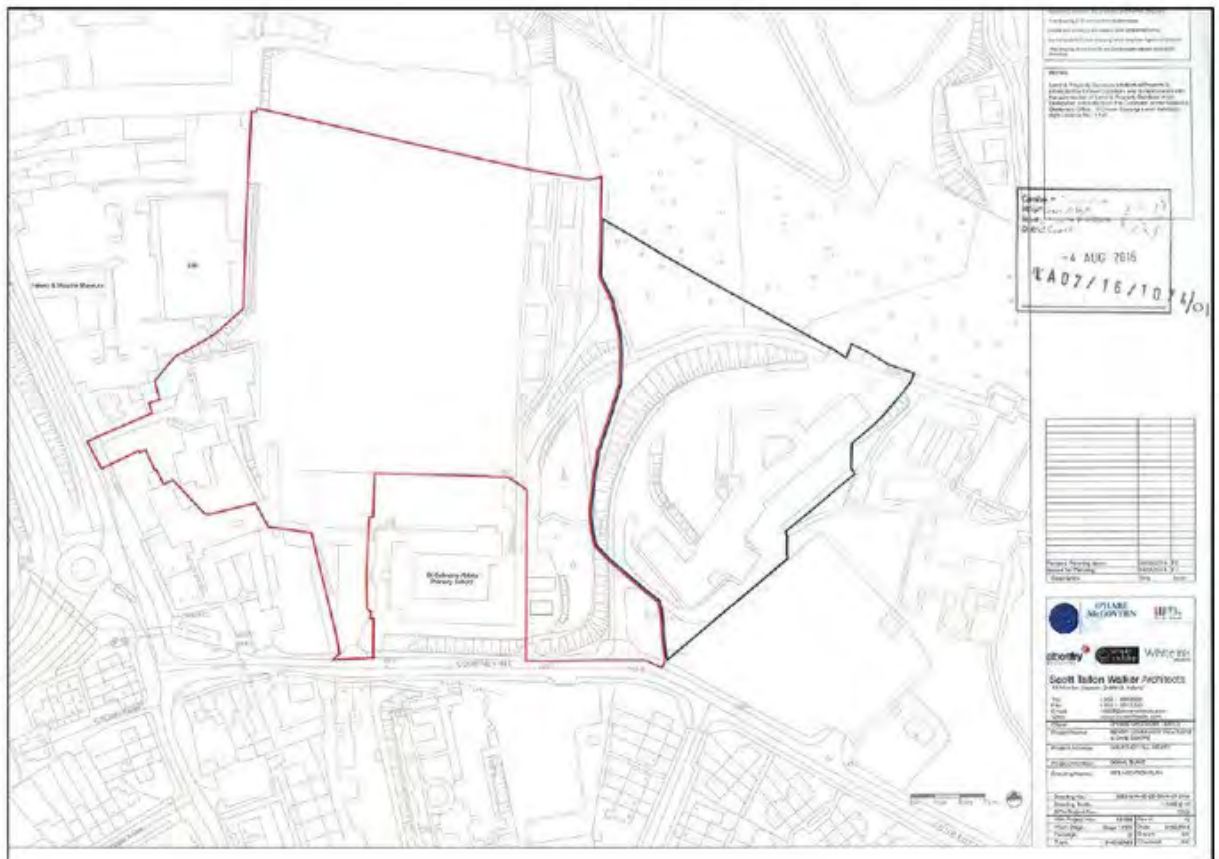
- 7.1.** The Planning Department has completed its assessment of the application in consultation with relevant statutory consultees. DfI Roads has confirmed that the access arrangements are not acceptable and are contrary to policy. The application is recommended for refusal for the reasons outlined below.

8.0. Recommendation.

- 8.1.** The application is recommended for refusal on the grounds that:

- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it could lead to vehicles parked on the access road at Abbey Way thus interfering with the free flow of traffic on the main road and the visibility of traffic leaving the access.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate junction radii of 10 metres are not provided at the junction of the access with Abbey Way leading to traffic conflict as a result of turning movements.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of access for parking, turning and loading of vehicles serving or visiting the private house dwelling adjacent to the proposed access off Abbey Way.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since an adequate footway cannot be provided into the site to facilitate movements from Abbey Way.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, since it would prejudice the safety and convenience of road users on the adjacent public roads since adequate provision is not being made within the site for the parking of staff, visitors and users of existing businesses.

APPENDIX 1. Site Location Plan.



APPENDIX 2: Consultation Responses.

DFI Rivers Agency:

Thank you for your ePIC consultation dated the 14th November 2018.

Further to my previous response (03/11/2018), DfI Rivers have reviewed the Amended Drainage/Flood Risk Assessment (D/FRA) dated 12th November 2018 submitted by Albert Fry associates and comment as follows:

In section 4.2 paragraph 4 & 5 of the Amended D/FRA the applicant states:

The applicant has ensured that exceedence flows have been properly routed and will not increase flood risk to the development or elsewhere as a result of the proposed works. Therefore, DfI Rivers while not being responsible for this assessment accepts the applicant's logic and has no reason to disagree with its conclusions.

Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

DFC Historic Environment Division Historic Buildings

Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises subject to conditions it satisfies the policy requirements of Paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Historic Environment Division: Historic Monuments (HED: HM) has reviewed the amended plans and are content with the scheme provided the remaining archaeological investigation works are carried out as per the agreed updated programme of archaeological works for P/2014/0335/O & LA07/2016/1074/RM (October 2018). Please refer to our previous comments. HED: HM are content 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 P

**DAERA Agriculture, Environment & Rural Affairs, (Planning Response Team),
Drainage and Water. Water Management Team**

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions.

Natural Heritage and Conservation areas.

Natural Environment Division 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.

N,M & DDC Environmental Health Department

This Department would wish to highlight that the proposed development is situated within the Newry Urban Centre Air Quality Management Area (AQMA) declared because of levels of nitrogen dioxide due to traffic emissions that exceed the National Air Quality Strategy objective limits. The Council together with its partners are committed to an Air Quality Action Plan which aims to improve air quality within the AQMA. As part of that action plan it is necessary to consider the potentially adverse effect of any new developments upon air quality and upon the achievement of the Action Plan.

The Department has reviewed the documentation relating to the travel plan

The Newry Community Treatment Care Centre Travel Plan estimates that the maximum number of site users at any one time will be approximately 785 including staff and patients. The travel plan outlines the existing transport accessibility of the area and aims to promote sustainable travel to/from and within the site, with a particular emphasis on reducing the need to travel by car and minimising the level of single occupancy car journeys. The department welcome this approach as encouraging a shift towards sustainable modes of transport will assist in mitigating against any adverse air quality impact of the proposed development

The department would request that the following condition should be placed on any approval;

The development shall operate in accordance with the Newry Community Treatment Care Centre Travel Plan September 2018. **REASON:** To encourage the use of alternative modes of transport to the private car.

DFI Roads

DFI Roads would make the following comments:

- 1.1 DfI Roads is content with the peak hours identified within the Transport Assessment and the existing traffic flow diagrams resulting from 6 March 2019 survey.
- 1.2 It is accepted that there is an element of pass-by trips but the figure of 30% is considered to be a high estimation. A sensitivity test based on a properly justified percentage should be carried out.
- 1.3 The committed development trips associated with P/2014/0368/O, St Clare's Primary School, need amended to reflect figures from the Outline application of 317 arrivals and 64 departures am peak and 279 arrivals and 195 departures in pm peak. This school generates significant traffic in the vicinity of Courtney Hill and High Street at set down and pick up times and the present actual figures may exceed these.
- 1.4 There are concerns with the figures provided in Figures 5.3 and 5.4 as the 30% pass-by estimate has already been applied in 5.1 and 5.2. Justification of the figures in 5.3 and 5.4 is required.
- 1.5 DfI Roads is content that National Road Transport Forecast (NRTF) central growth rates have been applied correctly.
- 1.6 In terms of Threshold Assessment the following comments apply:

- 1.6.1 The traffic flows for the committed development in Figure 2.1 are too low compared to the TA and TN 11 (Version 2) for St Clare's planning application P/2014/0368/O. This will have a knock on effect on base traffic and proposed traffic flow diagrams. As the actual committed development traffic is higher the modelling results will show even higher Ratio of Flow to Capacities (RFCs)/Degree of Saturation (DoS)/Mean Maximum Queues (MMQ's) than those presented in the current TA.
- 1.6.2 It is unclear what exactly Figures 5.3 and 5.4 are showing. The 30% pass-by has already been applied to the generated trips, (using trips based on Portadown CTCC), to calculate the generated traffic flows for the proposed CTCC in Figures 5.1 and 5.2. Further clarification is required as to what exactly is being shown in Figures 5.3 and 5.4 and how the flows have been determined.
- 1.6.3 The 2019 proposed traffic flows should be based on the existing traffic, (as surveyed in 2019), plus the committed development traffic, plus the trips generated by the proposed development, (less the agreed pass-by rate). The proposed traffic flow in Figures 6.1-6.4 will increase once the committed development traffic is amended. Further amendments may also be required depending on the clarification received for Figures 5.3 and 5.4.

Following corrections and updates any junctions above the threshold of 5% intensification should be assessed in detail. The modelling should be rerun to include the revised traffic flows.

- 1.7 The applicant's consultant has modelled the following 5 junctions

- Abbey Way Access;
 - Courtney Hill Access;
 - Courtney Hill/Boat Street;
 - Boat Street/Abbey Way; and
 - Kilmorey Street/William Street.
- 1.8 The modelling results will change once all corrections and updates are made to the traffic flows, including the committed development trips. As the actual committed development trips are higher than the flow shown in the TA, modelling results will show even higher RFC's/DoS's/MMQ's than those presented in the TA.
- 1.9 Following previous concerns raised about the Abbey Way/Boat Street junction, the consultant's response, dated 8 July 2019, includes an assessment of the Archway at the location of the 'University of the Third Age'. The consultant has used this assessment to provide comment on the average DoS for the Abbey Way/Boat Street junction. However the use of average DoS is not acceptable as it does not highlight the likely congestion issues on specific arms of the junction. Whilst there may be considerable spare capacity on the Archway arm of the junction the other 5 arms of the junction will still operate well over the recommended 90% DoS in AM peak in 2031. Three of the arms will also operate over the recommended 90% DoS in PM peak in 2031.
- 1.10 The traffic flow diagrams need to be corrected and the revised flows included in updated modelling. Junction modelling input files have still not been provided to check the parameters and geometry used for each of the junctions assessed.
- 1.11 DfI Roads continues to have concerns about the extent of parking provision in relation to the extent of the development. This does not reflect the information continued in the Travel Plan of May 2019. This indicates 96% of staff use a car to travel to work and 89% park at work. At any time 785 staff and patients will be on site and there are 397 parking spaces being provided. The maximum staff on site number 446 and 339 patients. It is stated that 88% of

staff will not willingly change their mode of transport thus requiring 350 spaces for staff alone. The overflow will inevitably spill on to the local network which has no on-street space capacity. Walking to the facility is not likely to be appropriate for many patients. It should also be noted that parking still needs to be provided for the existing on site businesses currently using approximately 12 spaces off the proposed entrance.

- 1.12 The proposed development should be readily accessed by non-motorised users including the mobility impaired and visually impaired. Pedestrian protection is required at the steps leading to the basement to the building adjacent to the Abbey Way entrance. Adequate width in accordance with DDA standard needs to be provided at accesses for mobility scooters with 2.0 m being the general requirement. The Travel Plan indicates the intention to comply with these requirements.
- 1.13 There remain concerns with the proposed access on to Abbey Way. The access is close to the start of the left filter lane. Also, traffic exiting the site on to Abbey Way and wishing to travel north will have to turn left, cross 2 lanes of traffic over a short distance and turn right at the Abbey Way/William Street/Boat Street junction.
- 1.14 As this access will undoubtedly have an impact on the main Abbey Way, a Road Safety Audit should be undertaken in accordance with DMRB GG 119 to fully consider the safety of all road users accessing and utilising the proposed development.
- 1.15 The proximity of public transport bus stops are not in close vicinity of the site as would be required. The details of the location of any nearby bus stops providing set down and pick up from and to Newry Bus Station and City Centre should be clarified. Cycling is unlikely to be a viable mode of transport to the facility. Sustainable long term public transport access to the site should be a requirement and access standards provided appropriately.

- 1.16 It is indicated in the Travel Plan that no goods vehicles will access the site from Abbey Way and that the Courtney Hill access is intended to facilitate all HGV movements. This disregards existing access arrangements to the private house at 71 Castle Street which currently enjoys unfettered access for servicing and deliveries from Abbey Way. The access arrangements to this property cannot be curtailed and delivery/servicing vehicles cannot be prevented from stopping along its frontage within the Abbey Way entrance. These would cause obstruction and queuing on to Abbey Way resulting in impairment of sightlines. No justification for any relaxation of standard from a required 10 m minimum radius stipulated in outline approval P/14/0335/O has been provided. For the above reasons 6 m is considered to result in an unacceptable restriction on the use of the access.
- 1.17 No details have been submitted for revised arrangements for access and egress to the rear and side parking at existing businesses which will all now be compelled to use the archway off Abbey Way
- 1.18 Based on the above DfI Roads would respond as follows:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it could lead to vehicles parked on the access road at Abbey Way thus interfering with the free flow of traffic on the main road and the visibility of traffic leaving the access.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate junction radii of 10 metres are not provided at the junction of the access with Abbey Way leading to traffic conflict as a result of turning movements.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear

of access for parking, turning and loading of vehicles serving or visiting the private house dwelling adjacent to the proposed access off Abbey Way.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since an adequate footway cannot be provided into the site to facilitate movements from Abbey Way.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, since it would prejudice the safety and convenience of road users on the adjacent public roads since adequate provision is not being made within the site for the parking of staff, visitors and users of existing businesses.

Dear Sir / Madam

The message below is sent on behalf of Mr J McCartan, Castle Street, Newry. I am sending it at Mr McCartan's request as he currently does not have access to email. Regards, E Carr.

Dear Sir / Madam

I wish to apply for speaking rights at the meeting of the council's Planning Committee scheduled for 16th October 2019.

I shall be speaking in relation to application LA/2016/1074/RM as an objector to that application.

I reside at 71 Castle Street, Newry. The scheme proposed in the above-mentioned application, if it proceeds, would devalue my home, would have an adverse impact on my family's living environment and would compromise our safety.

I should be grateful if you would confirm receipt of this email to Mr Carr, and advise as soon as is practicable on the outcome of my request for speaking rights at the meeting.

Yours faithfully

Jim McCartan

LA07/2016/1074/RM Cllr Gary Stokes Submission to October 2019 Planning Committee

I wish to speak on the importance of the refusal reasons below being dealt with properly prior to the application being granted permission. The points raised present serious issues for motorists, pedestrians and local residents. To approve the application in its current form would be reckless in the extreme.

- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it could lead to vehicles parked on the access road at Abbey Way thus interfering with the free flow of traffic on the main road and the visibility of traffic leaving the access.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate junction radii of 10 metres are not provided at the junction of the access with Abbey Way leading to traffic conflict as a result of turning movements.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of access for parking, turning and loading of vehicles serving or visiting the private house dwelling adjacent to the proposed access off Abbey Way.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since an adequate footway cannot be provided into the site to facilitate movements from Abbey Way.
- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, since it would prejudice the safety and convenience of road users on the adjacent public roads since adequate provision is not being made within the site for the parking of staff, visitors and users of existing businesses.

Newry Community Treatment and Care Centre

Submission to Newry, Mourne and Down Planning Committee, 16th October 2019

- 1.0 This submission is made to Newry, Mourne and Down District Council in support of Planning Application Ref. LA07/2016/1074/RM, the reserved matters application for the Newry Community Treatment and Care Centre (CTCC). It is made on behalf of GPG O'Hare. Consortium member O'Hare and McGovern have been building in the Newry area for 45 years and are committed to the delivery of a successful development for the city.
- 2.0 The 'Transforming Your Care' (TYC) review of Health and Social Care in Northern Ireland identified a need to completely change the way in which services are delivered to the population. A critical recommendation was that professionals providing health and social care services should work together in a more integrated way to plan and deliver consistently high-quality care for patients and deliver more care closer to home and less in secondary care settings. To achieve this, significant investment in primary care infrastructure is required.
- 3.0 The Newry CTCC is a £30M investment which supports the TYC programme. The Newry CTCC will improve the overall health and wellbeing of the community and the delivery of integrated care services. It will help to address identified pressures associated with a growing and ageing population and poorer health and growth in chronic conditions.
- 4.0 The Newry CTCC will, as part of this programme, place the individual at the centre, promoting a better outcome for the service user, carer and their family. It will relieve pressures, reduce patient waiting lists and result in greater access to bed spaces at hospitals. It will provide a range of vital health services including GP practices, dental services, physiotherapy and hydrotherapy services, children and adult mental health services, integrated care teams and other allied health professional services. It is a critical piece of healthcare infrastructure of significant public interest.
- 5.0 In addition to significant healthcare benefits, the Newry CTCC will deliver a range of other social and economic benefits. It will deliver the development of an identified Development Opportunity Site in Newry City Centre. It has the potential to be a catalyst for further investment in Newry City Centre including in the Conservation Area and in the re-use of Listed Buildings.
- 6.0 The outline planning application for a 14,500 sqm Community Treatment and Care Centre accessed via Abbey Way and Courtney Hill was submitted in 2014. This application was subject to a robust assessment including built heritage, drainage, flood risk, ecology, archaeology, air quality and transport assessment. The Council granted planning permission in 2015 for the Community Treatment and Care Centre with accesses at Courtney Hill and at Abbey Way.
- 7.0 The 2016 reserved matters submission is for a smaller CTCC and seeks approval for five reserved matters, namely, siting, design, external appearance, landscaping and access. All are agreed with the Council's Planning Department except some matters related to access. The application has been the subject of assessment for over three years. Only five people have objected.

- 8.0 The Council's Planning Report identifies five reasons for refusal provided by DfI Roads relating to access matters. The CTCC is served by two accesses at the locations previously approved. The Courtney Hill access will be for cars and service vehicles whilst the Abbey Way access will be for cars only. Both are designed in accordance with Development Control Advice Note (DCAN) 15. The site benefits from an accessible city centre location. It is accessible by sustainable transport options and provides 397 parking spaces.
- 9.0 The first DfI Roads reason relates to vehicles parking on the access road at Abbey Way and interfering with the flow of traffic on Abbey Way and the visibility of traffic leaving the access. A safe access is provided at Abbey Way in accordance with DCAN 15. Adequate parking is provided for the development as per the Council's Planning Report (see below) and the site will be managed by the operator. Vehicles will be able to enter the site without interfering with the flow of traffic on Abbey Way and exit the site safely.
- 10.0 The second DfI Roads reason relates to access radii at Abbey Way. The Courtney Hill access has 10m radii in accordance with DCAN 15. The Abbey Way access provides 6m radii also in accordance with DCAN 15 and will be restricted by signage to use by cars. The entrance to the Daisy Hill Hospital car park on Hospital Road has junction radii less than 6m. Beech Hall Wellbeing Centre on Andersonstown Road, Belfast is a CTCC development served by only one access with radii of 6m which was accepted by DfI Roads.
- 11.0 The third DfI Roads reason relates to the servicing of the existing private dwelling. Access arrangements are improved at this location through the provision of an access in accordance with DCAN 15 in place of two existing accesses immediately adjacent to each other neither of which is in accordance with DCAN 15. The bin lorry can continue to service the dwelling from Abbey Way. The Courtney Hill access can be used for other occasional service vehicles.
- 12.0 The fourth DfI Roads reason relates to the footways at the Abbey Way access. Footways of 2m (or in excess of 2m) exist on Abbey Way and within the development. The footways narrow to 1.4m and 1.3m at a point for a very short distance on the north and south sides of the access respectively. DfI Roads confirmed in correspondence (February 2019) that minimum 1.2m footways over a short length would be accepted. The footways exceed this acceptable width and the minimum requirement set out in the Inclusive Mobility Best Practice guide.
- 13.0 The fifth DfI Roads reason relates to parking provision. The Council's Planning Report confirms in paragraph 6.16 that the proposal complies with Policy AMP 7 and the Parking Standards. The site benefits from an accessible city centre location. It is accessible by sustainable transport options and provides 397 parking spaces which is a significant increase on the outline planning application and similar to other comparable developments.
- 14.0 The proposed development is a significant investment of some £30M in vital healthcare infrastructure and services in Newry. In the context of the importance of the proposed development, the significant public benefits which will result and the fact that it has been demonstrated that the access arrangements are acceptable, the application is commended to the Committee for approval.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2017/0542/F
Date Received:	March 22nd 2017.
Proposal:	Retail park with ancillary coffee shop/restaurant units
Location:	Former H M Revenue & Customs Custom house and clearance station, Carnbane way, Carnbane Industrial Estate

1.0. SITE AREA AND CHARACTERISTICS:

- 1.1.** The application site, an area of 7 hectares, is the former customs clearance station and office complex and associated lands. The former offices, now demolished, were located close to the northern boundary of the site. The remainder of the site consisted of a large paved area forming part of the vehicle parking area for the former customs station.
- 1.2.** A considerable amount of development has recently been carried out on the site to include the demolition of buildings, site clearance and levelling and the erection of a boundary fence.
- 1.3.** The site is immediately adjacent to Carnbane Way on its northern boundary, which forms part of the Newry By-Pass road network, linking to the Belfast-Dublin strategic road network to the west. The site is located between the

Newry Canal, a scheduled monument on its eastern side and the Clanrye River on its western boundary.

- 1.4. The site is located just south of the Carnbane roundabout on the A28. To the north of the roundabout is Carnbane Industrial Estate.
- 1.5. The land on either side rises up significantly along the A28. To the south west of the site, across the canal is Damolly Retail Park and beyond this is the Fiveways Retail Service Station, a designated Local Centre. To the east of the site are located a number of residential properties. A pedestrian bridge provides a link between the site and these dwellings.

2.0. SITE HISTORY:

P/2009/0163/F Lands to the south and east of Carnbane Way/Shepherds Way Roundabout, incorporating Customs Clearance Station and lands to the rear of 7-14 Damolly Meadows, Newry. Comprehensive mixed use development to include: 1 No foodstore, 70 No light industrial/business units, 1 No gatehouse, 1 No coffee shop, residential use, (14 units), car parking, general landscaping and general site works.

Full Approval 19 August 2014.

The food store was restricted to 8,000 sq m with a net retail floorspace of 5200 sq m and a net convenience floorspace of 3120 sq m and 2080 sq m non-convenience floorspace. The permission requires a block of industrial units to be completed and available for occupation prior to the opening of the store. The industrial units are proposed on the current application site (See Appendix 2)

3.0. STATUTORY CONSULTATIONS:

- 3.1. Details are provided in Appendix 6 and summarised as follows:

Newry, Mourne & Down Environmental Health. No objections subject to planning conditions.

DfC. Historic Environments Division Archaeology and Built Heritage (HED: HM). No objections subject to planning conditions.

DAERA Planning Response Team. Water Management Unit (WMU), Land Soil and Air, Natural Heritage and Conservation Areas. No objections subject to conditions/mitigation.

DAERA Shared Environmental Services. No Objection. Subject to conditions.

DfI Rivers Agency. No objections.

Loughs Agency. No objections subject to informatives.

DfI Transport NI. No objections

NI Water. No Objections.

4.0. OBJECTIONS & REPRESENTATIONS

4.1. Details of the initial application and additional information received were advertised in the local press on 28 April 2017, 15 May 2019 and 30 August 2019. Nearest neighbours were notified on 2 May 2017 and 7 May 2019. One objection and one representation of support have been received.

4.2. Issues raised by the objector include:

- Proposal contrary to BNMAP 2015 as the site is zoned for proposed and existing economic development. PED 7 of PPS 4 applies.
- Cumulative impact in conjunction with P/2009/0163/F. Prematurity would be engaged as per Para 5.73 of the SPPS.
- Impact on the business incubator units previously approved under P/2009/0163/F.
- Application is speculative and amount of investment cannot be quantified.
- Irrational to place weight on the amount of economic benefits given speculative nature of proposal and lack of adequate consideration of job displacement
- Prejudice outcome of the plan process

- Does not comply with BNMAP 2015, SPPS or PPS 4 and no unique considerations to justify an approval

The issues raised were considered by the Planning Department as part of its assessment of this application.

- 4.3.** The representation, in support of the application, states that the proposal will create a high-quality shopping environment, preferable to other centres within Newry, as the infrastructure is better and there will not be the same issues of congestion and lack of car parking.

5.0. PLANNING POLICY CONTEXT.

- 5.1.** The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- Regional Development Strategy 2023
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- Planning Policy Statement 2 (PPS2): Natural Heritage
- Planning Policy Statement 3 (PPS 3): Access Movement and Parking
- Planning Policy Statement 4 PPS4): Planning and Economic Development
- Planning Policy Statement 6, (PPS 6): Planning Archaeology and the Built Heritage
- Planning Policy 15, (PPS 15) Planning and Flood Risk
- DCAN15 – Vehicular Access Standards
- Parking Standards

Regional Development Strategy 2035 (RDS).

- 5.2.** The RDS is material to individual planning applications but does not contain operational planning policy. These are issued through Planning Policy Statements and other documents. The published document confirms that the RDS has a statutory basis. It is prepared under the Strategic Planning

(Northern Ireland) Order 1999. Under that Order Departments must “have regard to the regional development strategy” in exercising any functions in relation to development. The RDS is material to decisions on individual planning applications and appeals. The policies and proposals within the existing statutory plan for the area, Banbridge, Newry & Mourne Area Plan (BNAMAP), are in general conformity with the provisions of the RDS.

- 5.3. The Strategy designates Newry as one of the main hubs across Northern Ireland and as the South Eastern Gateway City due to its proximity with the Border and its proximity to the major port of Warrenpoint. It is noted that it has the potential to cluster with Dundalk given that both are strategically located on the Belfast-Dublin Corridor.
- 5.4. Strategic Framework Guidance 11 aims to promote economic development opportunities at Hubs. It states that in Hubs and Clusters of Hubs such as Newry/Warrenpoint, the Hub and the highest performing city/town in the cluster should be considered first in the decision process. As Newry is both the largest and the highest performing Hub in its cluster it is the location which should be considered first.

Strategic Planning Policy Statement (SPPS).

- 5.5. The Strategy provides a framework for the development of new Local Development Plans by the Councils. Paragraph 1.16 states that Planning Policy Statement 5, ('Retailing and Town Centres') has been cancelled by the introduction of the SPPS. The SPPS now provides the statutory policy on retailing until a new development plan is adopted by the Council.
- 5.6. The SPPS adopts a Town (or City) Centre first policy in relation to new retail proposals. Paragraph 6.267 states that town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live, work and visit them. Paragraph 6.268 states that the RDS recognises the importance of accessible, vibrant city and town centres which offer people more choice for, amongst other things, shopping. Paragraph 6.269 states that it is important that planning supports the role of town centres, (which includes city

centres) and contributes to their success. Paragraph 6.270 states that the aim of the SPSS 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.

5.7. Paragraph 6.271 sets out 6 regional strategic objectives for policy on Town Centres and Retailing:

- secure a town centres first approach for the location of future retailing and other main town centre uses;
- adopt a sequential approach to the identification of retail and main town centre uses in Local Development Plans (LDPs) and when decision-taking;
- ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;
- protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;
- promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
- maintain and improve accessibility to and within the town centre.

5.8. Paragraph 6.273 requires planning authorities to adopt a town centre first approach for retail and main town centre uses.

5.9. Paragraphs 6.280 and 6.281 establish a sequential test for applications for retail and main town centre uses. A sequential test should be applied to planning applications for main town centre uses that are not in an existing Centre and are not in accordance with an up-to-date LDP. Where it is established that an alternatively sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused. Applications for main town centre uses must be considered in the following order of preference (and consider all of the proposal's catchment):

- Primary Retail Core

- Town Centre
- Edge of Centre
- Out of centre locations, only where sites are accessible by a choice of good public transport modes.

5.10. Paragraph 6.283 states that all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area not proposed in a town centre location and are not in accordance with the Local Development Plan should be required to undertake a full assessment of retail impact as well as need.

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

5.11. Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as is 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.

5.12. The statutory function of an Area Plan is to provide a framework for the development of the Plan Area over the statutory lifetime of the plan. The Plan remains a material consideration beyond its end date and until it is replaced with an up-to-date plan document. It was only adopted, as the statutory plan for the area, following the completion of the statutory plan process, including a public inquiry and is intended to provide certainty for those who live, work and visit the Council area.

5.13. The Plan contains a number of objectives, which are material to this proposal, including:

- to facilitate sustainable patterns of growth and development throughout the Plan area;
- to promote Banbridge and Newry as main hubs within Northern Ireland and to enhance the inter-regional gateway role of Newry;

- to facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities, and to maximise the use of existing infrastructure;
- to facilitate integration between land use and transportation in order to reduce congestion and the need for car journeys and to encourage a shift to more sustainable modes of transport, particularly walking, cycling and public transport; and
- to promote town centre vitality and viability

5.14. The Plan, (BNAMAP) has designated a settlement limit for Newry City and a town centre boundary for Newry City Centre. The Plan also designates a Primary Retail Core for Newry City Centre.

- The site is located within the settlement limit of Newry and outside the City Centre and Primary Retail Core boundary.
- The northern portion of the site, the location of the former customs clearance station and office complex, is zoned as an existing area of economic development and the southern portion is on 2.86 hectares zoned for economic development under Zoning NY 68. Key Site Requirements of NY 68 include access shall be via the existing access onto the Carnbane Estate roundabout and a 3-5 metre planning boundary on all site boundaries.
- The site is located between the Newry Canal and Newry River corridors, both of which are designated as an LLPA under Designation NY 114. These are designated for their nature conservation interest and associated vegetation and trees. Policy CNV 3 'Local Landscape Policy Areas' in Volume 1 of the Area Plan states that planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. Where riverbanks are included within LLPA's, public access may be required to the river corridor as part of the development proposal. Where proposals are within or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.
- The Plan Strategy (pg 33) notes that there is a need for a cautious approach to retailing in Newry City and that retail growth in the City has already been allowed for sites at Newry Road and Tesco on Downshire Road and that

any residual capacity is anticipated to be small. As shown below, the retail need for additional floorspace in the catchment is consistent with this view, with only about £10million of growth in comparison retail expenditure between 2018 and 2021.

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** In summary the application seeks full planning permission for a retail park with ancillary coffee shop/restaurant units. The proposal does not seek any form of restriction that might mitigate its impact on town or city centres or that might distinguish it from typical town centre retailing. A supporting document submitted with the application states that the application is based on "unrestricted comparison goods retail units" (MBA Retail Impact Assessment, para 1.2). The submitted P1 form states that the total gross floorspace dedicated to sales is 16,836 square metres. The supporting Economic Impact Assessment details the floor space break down as; 15,133 square metres retail with 1,225 square metres for cafe/restaurant.
- 6.2.** The submitted layout plan shows 11 unrestricted retail units arranged in an L shape along the western and southern side of the site. Servicing will be provided to the rear of these units, which will range in size from 991sq metres to 2,830 sq metres. The proposal includes three restaurant units, each of 325 square metres, along the northern boundary of the site, as well as a cafe unit of 250 square metres in the north eastern corner of the site.
- 6.3.** Access to the site is to be provided within the existing junction at Carnbane Way Roundabout which will be upgraded to accommodate the higher traffic volumes. A roundabout is proposed adjacent to the eastern boundary at which a vehicular bridge will be provided across the Newry River to access the site of the food-store, already approved under P/2009/0163/F. A total of 875 car parking spaces, largely in the centre of the development, will be provided. The cafe unit will have 26 spaces provided immediately adjacent to it.
- 6.4.** A number of planning reports were submitted with the application, including: a Retail Impact and Supporting Planning Statement; Need Assessment;

Economic Impact Assessment; Environmental Statement; Transportation Statement; Loss of Employment Lands; Ecological Impact Assessment, and Landscape, Management and Maintenance Plan.

- 6.5. The Planning Department has carefully assessed the proposal, and all supporting material, in the context of the prevailing planning policy above, including the statutory development plan for the area. It appointed a specialised retail consultant, Inaltus Limited, to carry out a detailed appraisal of the relevant documents submitted in support of the application to inform its assessment of this proposal. Details of that appraisal are provided in reports, included in Appendix 4.

Assessment of Need for the Proposal.

- 6.6. In the context of the planning policy requirements outlined above the applicant is required to prepare an assessment of need for the proposed retail use to support the application. This should take account of the assessed needs of the local town (or city) and any committed development proposals and allocated sites.
- 6.7. The statutory plan identified an extended city centre boundary and zoned lands within the town centre to accommodate need over the Plan period. It is considered that the applicant has failed to demonstrate sufficiently robust evidence that there is a demand and need from retailers for the type of retailing and the size of units proposed. The applicant has also failed to robustly demonstrate a need in quantitative or qualitative grounds. Inaltus has set out at Appendix 4 that the turnover of the proposal is almost 6 times the quantum of spending growth in the catchment. Indeed, it would take almost 18 years of retail spending growth to support this proposal. There is no case for the proposal based on increased population levels, increased spending or any evidence that Newry needs an additional development of this scale.

The proposal does not provide a new type of retailing for the catchment. Instead it will duplicate and directly compete with the multi-national retailers

that are already in Newry City Centre and key to the vitality and viability of Newry City Centre.

The Sequential Test.

- 6.8.** The SPPS places the onus on the applicant to carry out a sequential test to demonstrate that there are no alternative sites available within the Town Centre Boundary of Newry City and to demonstrate that the proposal justifies being treated as an exception to this policy and that it is accessible by a good choice of public transport modes.
- 6.9.** The proposal is for uncontrolled and unrestricted comparison retail use outside the City Centre and Primary Retail Core. The proposal does not seek any form of restriction that might distinguish it from existing town centre uses. It is therefore sequentially un-preferred in the context of the SPPS, as referred to at Para 5.6-5.9 above.
- 6.10.** BNMAP zones 13 Development Opportunity sites in Newry City. These sites are available for a variety of single or multiple uses which might include retail. However, if this proposal were allowed it would undermine the potential of these sites coming forward as there would be no increased spare retail growth expenditure available to support them as it will have been soaked up by this proposal.
- 6.11.** The application was accompanied by an Environmental Statement (ES). The applicant included an analysis of existing retail sites within the Town Centre Boundary in the ES. Prevailing policy requires that an applicant provides a thorough and robust analysis of alternative sites, particularly, in this case, where the proposal is for unrestricted open class retailing out of centre in Newry. Whilst the applicant has considered the list of alternative sites within its ES and claims these are not capable of supporting the development, based on size, it must be remembered that the Plan's development opportunity sites were allocated based on an assessment of retail need as assessed by the Department. The applicant has not identified any need for this massive retail development, and hence it is not surprising the Plan contains few sites large enough to accommodate a development for which there is in-fact no clear

need. The applicant's approach to alternative sites is unsatisfactory as it is a self-serving and self-fulfilling exercise. Essentially, the application proposes a development so large that no town or City Centre could accommodate it and therefore argues that it must be allowed outside the town centre. This approach pays no attention to whether the development is in fact needed or not.

It is also considered that there has been insufficient analysis of the opportunity sites identified in the Plan, in particular a site at Warrenpoint Road (Zoning NY 90). This site has been granted planning permission for a retail led, mixed use regeneration scheme incorporating retail. Only the most limited evidence has been presented as to the suitability or availability of these lands. In order to demonstrate that this site is unavailable the applicant has twice been asked to provide more robust evidence why the proposal cannot be accommodated on this site. Moreover, it is also considered that the proposal, based as it is on unrestricted retailing, will make the delivery of this site more difficult.

- 6.12.** Reference is made, within the Environmental Impact Assessment, to existing bus stops on Tandragee Road and Downshire Road and in existing housing areas. These are a considerable distance from the site. While the site is designed and located to be accessible by car and the applicant states that the proposal has integrated bus and pedestrian linkages, (with a planned bus shelter at the entrance to the site), there is no current public transport serving the site. While the applicant indicated during the processing of the application that discussions had taken place with Translink, the proposal does not include any details of future planned or agreed public transport arrangements dedicated to the site. In this respect the site is not accessible by a good choice of public transport modes. Any future approval would require to be accompanied by committed public transport arrangements agreed with Translink, the public transport provider, to include dedicated bus links and agreed bus stops within the overall scheme.

Retail Impact of the Proposal

- 6.13.** A full assessment of retail impact of the application is required to include:
- impact of proposal on trade and turnover for both convenience and comparison goods retailers and the impact on town centre turnover overall for all centres within the catchment of the proposal;
 - impact of proposal on existing committed and planned public and private sector investment and investor confidence in the town centre(s);
 - impact on the delivery of planned/allocated sites and the LDP strategy;
 - impact on the vitality and viability of existing centres including consideration of local context. This should take account of existing retail mix and the diversity of other facilities and activities;
 - cumulative impact taking account of committed and planned development including plan commitments within the town centre and wider area; and
 - a review of local economic impacts.
- 6.14.** The SPPS states that proposal should be refused where impact on one or more of these centres is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful.
- 6.15.** The applicant submitted a Retail Impact Assessment (RIA) of the proposal. This was partially superseded by an additional Supporting Planning Statement by Gravis Planning that includes a Retail Impact Assessment as part of the application. A detail appraisal of the information provided in both documents was carried out by Inaltus, the specialist retail consultant appointed by the Council to assist it with the assessment of the application. It has been concluded that the information provided by the applicant does not allow the Council to make a fully informed and up-to date assessment of the proposal, which is a policy requirement. The Gravis Planning RIA is fundamentally flawed and is internally inconsistent. Figures in the Gravis Planning report are in conflict and a legally robust decision is not capable of being made based on the applicant's own figures. Details of the concerns are set out in detail in the

Inaltus Report. Below provides a sample of concerns, albeit it should be noted that this is not an exhaustive:

- the estimated extent of the catchment of the proposal has not been justified, in particular the inclusion of an area north of Banbridge given the proximity of Sprucefield and Craigavon;
- the estimated catchment population has not been robustly justified. The Council considers the catchment population will be about 27,400 people fewer than the Gravis Planning estimates;
- the background survey material used to justify some of the findings in the RIA, is out-dated. In particular, the Gravis Planning report relies on survey data from Louth County Retail Strategy dated 2007, Gravis Planning bases its population on the 2011 Republic of Ireland Census rather than 2016 Census figures, and details in the consumer survey by Lucid Talk provides population, spend and turnover figures that directly conflict with the Gravis Planning retail impact figures;
- the Gravis Planning report provides two competing methodologies (of which there is a lack of correlation between the two), to estimate the available spend per head and the total comparison turnover of centres in the catchment;
- Gravis Planning fail to make any assessment of the lack of correlation between available spend and turnover of centres in the catchment. The level of difference between available consumer spending in the catchment (£283 million) and turnover of centres in the catchment (£415 million) is markedly different and Gravis Planning provides no robust rational explanation for the difference between the two;
- a more detailed analysis of existing retail provision and the health of existing centres is required;
- the estimated turnover of the proposal has not been set out by reference to its likely tenants;
- the methodology provided to estimate the amount of trade diverted from city centre and outlying centres is not robustly justified; and
- Gravis Planning fails to undertake an analysis of cumulative impact of the proposal, in particular the possible impact of the extant approved store on the site and the extant Bridgewater Park approval at Banbridge.

6.16. In this context the Planning Department has considered the information and supporting statements against the factors to be addressed in a retail impact assessment, as identified in Para 6.290 of the SPPS.

- **impact of proposal on trade and turnover for both convenience and comparison goods retailers and the impact on town centre turnover overall for all centres within the catchment of the proposal;**

It is considered that the impact of the proposal cannot be fully assessed. The applicant should review the Retail Impact Assessment with a view to substantiating the retail impact case to address the conflicting figures and data presented to support his findings.

A sensitivity assessment of the proposal based on current information is likely to find the proposal unacceptable. The proposal involves 12,106 sq m of unrestricted net retail floorspace which amounts to 31% of the total City existing floorspace of 39,300 sq m. It is clear that the approval of this level of unrestricted floorspace would have a significantly adverse effect on the existing city centre in terms of trade and turnover and other existing centres. At Appendix 4 Inaltus provide a variety of scenarios of retail impact and cumulative retail impact. The levels of retail impact on Newry City Centre range from best case scenario of 17% to a more likely and very significant impact of 24%-28%. These levels would be unacceptable in the opinion of the Planning Department.

- **impact of proposal on existing committed and planned public and private sector investment and investor confidence in the town centre(s);**

There has been one abjection to the proposal, from Retail NI and one letter of support from a resident in Bangor, Co Down.

Investors to Newry will be unlikely to continue to invest in the city centre when there is a directly competing centre that is unrestricted

and has free car parking and easily accessible from Carnbane Way. This proposal will directly compete with the City Centre for existing trade as well as future retailers. The applicant as failed to identify any tenant for this development and in such circumstances the Planning Department expects future retailers to this development would be retailers already located in the City Centre (who may leave) or would otherwise be seeking to locate in the City Centre. This proposal has clear potential to undermine investor confidence in the City Centre.

- **impact on the delivery of planned/allocated sites and the LDP strategy;**

It is considered that there has been insufficient analysis of alternative Development Sites identified in the Plan, in particular a site at Warrenpoint Road (Zoning NY 90). The proposal, based as it is on unrestricted retailing, will make the delivery of this site more difficult. This large out of town retail park could absorb all available retail growth in the coming years.

- **impact on the vitality and viability of existing centres including consideration of local context. This should take account of existing retail mix and the diversity of other facilities and activities;**

The proposal is unlikely to harm the diversity of Newry as it seeks to introduce more multi-national traders.

- **cumulative impact taking account of committed and planned development including plan commitments within the town centre and wider area;**

It is considered that the cumulative impact of the proposal has not been properly assessed with existing or planned development. These include the Bridgewater Park development and the adjacent extant approval for the mixed-use development that includes a 8000 sq metre gross floor space food store. It is important that cumulative impact is properly assessed as these are likely to reduce the catchment, reduce

potential available retail growth for the proposal and will increase impacts.

The applicant states that the food store will not be built unless the requirement to build the business units, which forms part of that planning permission, is removed (see Para 2.0 above). This is not certain and has not been formally established. This application is on the lands approved for the business units and any future approval and implementation of this application would mean that the business units, which are a necessary pre-requisite to the development of the food-store, could not be built. The applicant could then submit a planning condition seeking to remove the relevant planning condition attached to the food-store approval. It would not be reasonable to withhold approval for such an application and the development of the food-store could be finalised in the absence of the industrial units. In these circumstances it is necessary to consider the cumulative impact of the food-store, which could have a turnover of over £12 million, as part of this application and not at some time in the future.

The permission at Bridgewater Park remains a live permission that can be built out at any time. It would be appropriate to model it. However as shown above the proposal both alone and taking account of the food store comparison floorspace would show the proposal to be unacceptable.

- **a review of local economic impacts.**

An Economic Impact Statement was submitted with the application and the reference to economic benefits, in terms of increase in job years during construction and operational years have been noted.

The estimated benefits are based on certain assumptions on related issues, for example, levels of leakage, displacement and levels of occupancy. It is estimated that the proposal has the potential to contribute 840 job years during construction 737 job years and £28.6m

annually to the local economy and contribute 15,579 job years and 619.13m over the entire project lifetime.

The development can be expected to provide economic benefits, both in the construction industry and to the local population. The issue to be considered, however, is how many of these jobs would be additional employment or opportunities displaced from elsewhere, including the City Centre or outlying centres. This is a major issue for this application in view of the open retail nature of the proposal and the future impact on existing centres. This issue has not been properly assessed or quantified by the applicant, so it is difficult to comment on the economic benefits highlighted in the Economic Statement.

It is considered that the information provided in the EIA does not provide sufficient grounds to set aside the valid planning issues highlighted elsewhere in this report.

GENERAL PLANNING POLICY CONTEXT

- 6.17.** In addition to an assessment of need and impact on existing centres, all applications for this type of retail proposal must be assessed in accordance with normal planning criteria, including transportation and access arrangements, design and environmental and amenity impacts.

Planning Policy Statement 2 (PPS 2) Natural Heritage

- 6.18.** The Department of Agricultural, Environment and Rural Affairs, (DAERA), Natural Environment Division (NED) has confirmed no objections in relation to potential impacts on designated sites and other natural heritage interests, subject to the implementation of measures to prevent excess surface water runoff and other pollution affecting the Carlingford Lough Ramsar site. No reference was made to any protected species on the site, with the exception of bats adjacent to the river corridor. Any negative impact could be mitigated through the sensitive siting and use of appropriate bat sensitive lighting (see Para 6.31 below). Shared Environmental Services carried out a Habitats Regulation Assessment on behalf of the Council and concluded, in view of the

nature, scale, timing, duration of the project that, providing specified mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on the site integrity of any European site. These issues can be dealt with through the use of appropriate planning conditions, as suggested.

Planning Policy Statement 3 (PPS3) Access, Movement and Parking

- 6.19.** The site links on to the A27 Carnbane Way, a single carriageway protected route located inside the settlement limit. The proposal will use an existing junction, via a roundabout, to access the protected route. Policy AMP 3 which deals with access onto Protected Traffic Routes, states that planning permission will only be granted for a development proposal involving direct access or intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance. In this case the proposal; follows a recent previous approval for a significant mixed-use proposal on the site, using the same access arrangements, to include: a food store, 70 No light industrial/business units, a gatehouse, a coffee shop. The principle of the intensified use of the existing access has already been established and is therefore acceptable. It is also noted that the existing access is identified, in the Area Plan, as the future means of access to serve an existing and proposed area of economic development. Transport NI has confirmed no objections to the proposes access arrangements.

It is considered that sufficient car parking, (875 spaces) has been provided to meet the existing published car parking standards.

Planning Policy Statement 4 PPS 4'Planning and Economic Development'

- 6.20.** The northern portion of the site is zoned as an existing area of economic development and the southern portion is zoned for economic development under Zoning NY 68 in the statutory Plan. The site was also the subject of a recent extant approval for 70 light industrial units as part of a larger mixed-use development, including a food store, under P/2009/0163/F. Under the terms of this approval, a block of these units, (Phase 1) must be constructed and available for occupation before the food-store becomes operational. The

remainder must be commenced no later than 18 months after the disposal of the Phase 1 units. The development of these lands for a retail park would mean that these light industrial units could not be constructed.

- 6.21.** Policy PED 7 of PPS 4 states that development that would result in the loss of land or buildings zoned for economic use in a development plan (either existing or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. The policy also states that an exception will be permitted for the development of a sui generis employment use where it can be demonstrated that the proposal is compatible with the predominant industrial use; is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. It states that retailing or commercial development will not be permitted except where justified as acceptable ancillary development.
- 6.22.** The applicant is seeking to overcome the terms of this policy by stating that the economic and other benefits of the proposal are significant and outweigh the impact of the loss of economic development land. The economic benefits are dealt with elsewhere in this report, at Paras 6.16.
- 6.23.** In a supporting document, the applicant also puts forward two additional material considerations which it is considered outweigh the zoning. It is claimed that the zoning is "*a relatively small employment site,*" and that the applicant is bringing forward a 2.2 hectare site, the subject of a concurrent application LA07/2017/0464/F, as an alternative site for employment use, which was not allocated in the BNMAP process. It is claimed that if this site is developed in parallel with the retail proposal then the net loss of economic development land will be 2.4 hectares.
- 6.24.** The total size of the site according to the P1 form is 7 hectares. This includes both the 2.86 hectares zoned as proposed economic development under Zoning NY68 and the remainder identified as an Existing Area of Economic Development. The concurrent development of both the application site for a

retail park and the nearby site as alternative employment lands would result in a net loss of 4.8 hectares of economic development land, as opposed to 2.86 hectares, as stated by the applicant.

- 6.25.** The applicant also states that there is a surplus of undeveloped economic development land in Newry and, under the current rate of take up, there is still a remaining supply for over 67 years. If the 2.86 hectare employment zoning on the application site is discounted then there is still a remaining supply for over 65 years, and therefore according to the EIS there will not be a significant diminution of employment land either in the locality or in the plan area generally.
- 6.26.** There is a significant amount of remaining undeveloped employment lands in Newry (see Appendix 5). In this context it is accepted that this proposal, if approved in conjunction with the associated application for 2.2 hectares of additional employment lands, would not lead to a significant diminution of the employment resource.
- 6.27.** This policy contains a clear presumption against land zoned for economic development being utilised for other purposes. The listed exemption refers to *sui generis* uses as defined in the Use Classes Order, and this would exclude retailing. The listed exemptions also include a development of a scale, nature and form appropriate to the location. The Planning Department considers, having completed its assessment of the application and all supporting material, that the proposed level of unrestricted retailing would have a significant adverse impact on existing centres and is not acceptable at this location, in planning policy terms.
- 6.28.** In the light of the above, the proposal is therefore contrary to PED 7 of PPS 4 on the basis that it would result in the loss of both land zoned for existing and

proposed economic development use, including lands recently approved on such zoned lands for light industrial business units.

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

- 6.29.** The proposal adjoins the Newry Canal and Newry River corridors, both designated as a Local Landscape Area (LLPA). A portion of the development encroaches into the LLAP on the north eastern point adjacent to the Carnbane Roundabout and to the south eastern point adjacent to the Newry River.
- 6.30.** A LLPA designation does not preclude development provided it does not adversely affect its intrinsic environmental value and character, as specified in the Area Plan, in this case the 'nature conservation interest and associated vegetation and trees' associated with the canal and river.
- 6.31.** The proposal includes a Landscape Management and Maintenance Plan and a Landscape Masterplan. The proposed site plan and the Landscape Masterplan Plan includes provision for 10 metre buffer to the Newry Canal, adjacent with an internal pathway, and the retention of indigenous species and additional planting to peripheral areas beside the canal and river.
- 6.32.** Natural Environment Division has advised, in its consultation response, that additional planting (to reflect an earlier approval P/2009/0163/F0 should be provided around the watercourse. It also recommends no lighting is directed towards the watercourse and the use of low sodium bat sensitive lighting.
- 6.33.** Overall it is considered that the proposal will not be detrimental to the character of the designated LLPA's. A buffer zone with public access is being provided, as required.
- 6.34.** The Newry Canal is also a scheduled monument. Historic Environment Division has stated that it is satisfied with the proposal subject to the implementation of measures to protect the Canal and that a written

programme of archaeological works is submitted before the commencement of development, and that an archaeologist is afforded access to the site at all times during its development to identify any archaeological remains that may be uncovered. These can be addressed through appropriate planning conditions.

Planning Policy Statement 15

- 6.35.** DfI Rivers Agency is content with the contents of the Drainage Assessment in relation to policies FLD1, 2, 3 and 4 of PPS15. The site is within the catchment of a reservoir, Camlough Lake, in relation to Policy FLD5. Rivers Agency is satisfied that the applicant has applied the correct methodologies in its assessment.

7.0. Objections and Representations.

- 7.1.** The majority of the issues raised have been considered as part of the assessment of the application, as outlined above. It has also been stated that any approval would be premature in the context of the SPPS Para 5.73. It is acknowledged that a new Local Development Plan is under preparation for the Council District and that this is a substantial proposal with a significant individual and cumulative impact that must be considered. The LDP process still in its early stages, (the Plan Strategy is due to be published) and it is considered, on balance, it would not be appropriate to, refuse this application on the grounds of prematurity, in view of the plan timetable.

The Planning Department is also satisfied that the previous applications were properly assessed in the context of prevailing policy.

8.0. CONCLUSION AND RECOMMENDATION.

- 8.1.** It is concluded that insufficient information has been submitted to enable the Planning Department to properly assess the proposal against the relevant policies, (fuller details on this are provided in the Inaltus Reports in Appendix 4). In particular it is considered that the supporting information needs to be updated and that:

- The applicant must provide clarity as to the case being made. The retail data presented is internally conflicted. The Retail Impact Assessment is not robust;
- the Catchment should be justified properly using survey information. This has not been clearly set out;
- the Need case needs to be made explicit. The conflicting retail impact methodologies makes the need case unclear;
- the Sequential Assessment should reflect the proposal that is needed and rigorously assess the key alternatives in the City;
- the Retail Impact should present a clear transparent methodology that can be tested and demonstrate a correlation between the demand and supply of retail floorspace or a credible explanation and evidence for lack of correlation; and
- other aspects of the Retail Impact Assessment highlighted in this report should be addressed, in particular more robust assumptions on trade diversions and cumulative impact.

8.2. In assessing any application for this level of unrestricted retailing of comparison goods of a major scale on an out of centre location the Council must be fully informed on the level of need for such a development and if this is the most suitable sequentially preferable site. The Council is also required to ensure that it has sufficient evidence to be satisfied that applicant has sought to apply the town centre first approach. It must also be clear on the potential harm it may cause to the City Centre and if that impact can be mitigated. It is considered that the Council is not in a position to make that judgement and to make a fully informed and up -to -date assessment of these issues. It is considered that the evidence at present does not provide a robust analysis on which to reach a recommendation.

8.3. The applicant was made aware of the Planning Department's view during its assessment of the application and was invited to address the issues raised in the retail consultant's reports. The applicant declined and requested that the Planning Department conclude its assessment of the application.

9.0. RECOMMENDATION:

9.1. On this basis the Planning Department considers that the application is contrary to prevailing planning policy, as outlined below and is recommended as a refusal for the following reasons.

- The proposal is contrary to Paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan.
- The application is contrary to the Banbridge, Newry and Mourne Area Plan 2015 Plan objectives in that the proposal lies outside the City Centre Boundary as identified by Designation NY 75 and Primary Retail Core of Newry as identified by Designation NY 76.
- The application is contrary to Paragraph 6.270 and 6.271, (bullet point 1 and 2) of the Strategic Planning Policy Statement (SPPS) in that the proposal lies outside the City Centre Boundary and Primary Retail Core of Newry as designated in the Banbridge/Newry and Mourne Area Plan 2015.
- The proposal is contrary to The Strategic Planning Policy Statement (SPPS) 'Planning for Sustainable Development' Paragraph 6.273 in that it does not adopt a 'town centre first approach'.
- The proposal is contrary to The Strategic Planning Policy Statement (SPPS) 'Planning for Sustainable Development', Paragraph 6.291, in that it has not been demonstrated that the proposal will not have a significant adverse impact:
 - on trade and turnover for both convenience and comparison goods traders and on town centre turnover overall for all centres within the catchment of the proposal;
 - on existing committed and planned public and private sector investment and investor confidence in the town centres;
 - on the delivery of the planned/allocated sites and the Local Development Plan Strategy;
 - on the vitality and viability of existing centres; and
 - when taken cumulatively in conjunction with committed and planned development within the city centre and wider area.

- The proposal is contrary to Policy PED 7 of Planning Policy Statement 4 (PPS 4) 'Planning and Economic Development' in that it would result in the loss of land zoned for existing and proposed economic development use in the Banbridge, Newry & Mourne Area Plan 2015.
- The proposal is contrary to the Banbridge, Newry & Mourne Area Plan 2015, Zoning NY 68 and Allocation ECD 1 (Plan Strategy and Framework), in that it would lead to the loss of existing and proposed economic development lands.

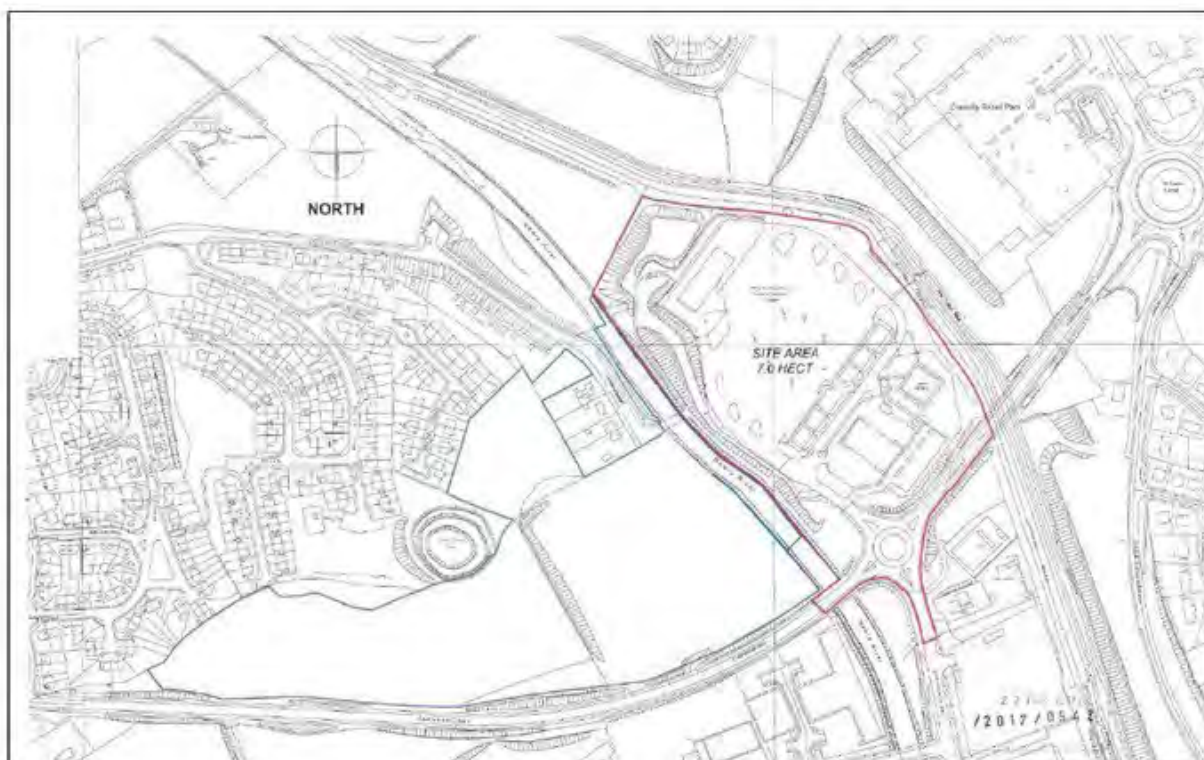
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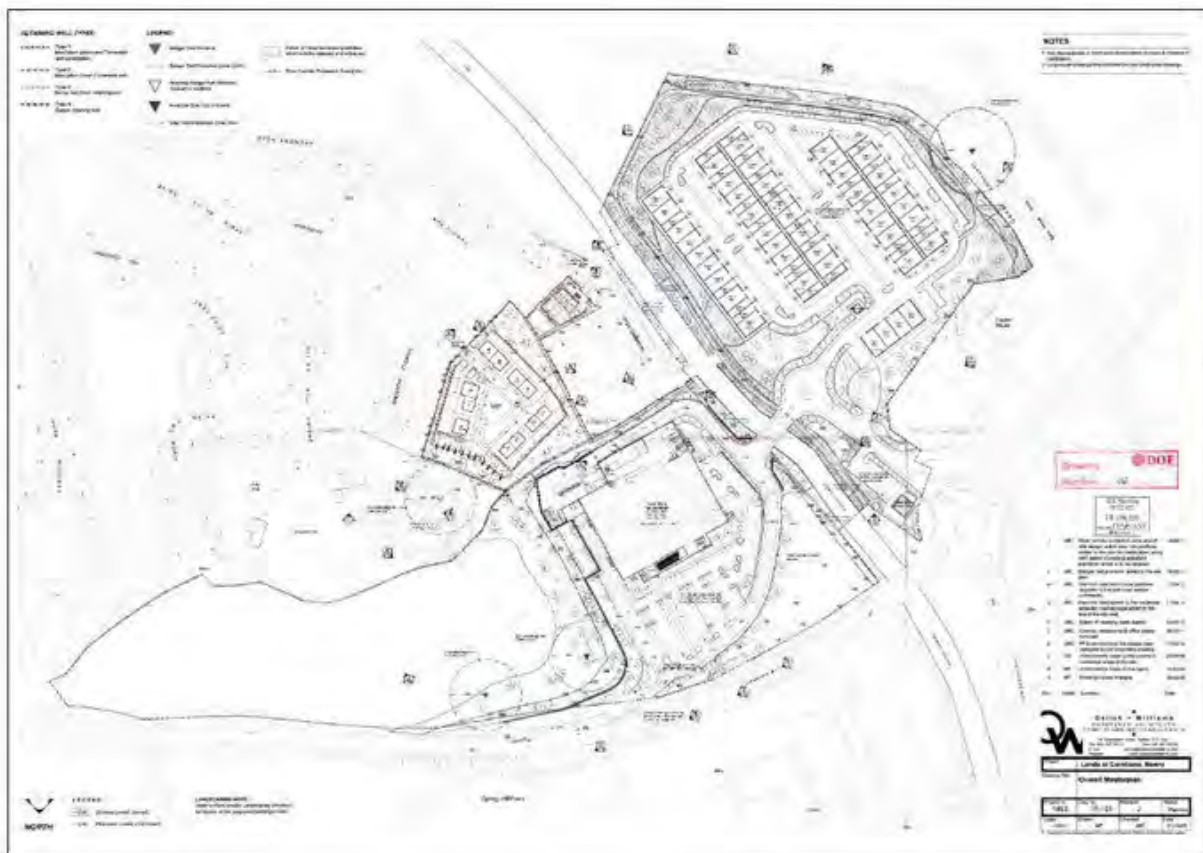
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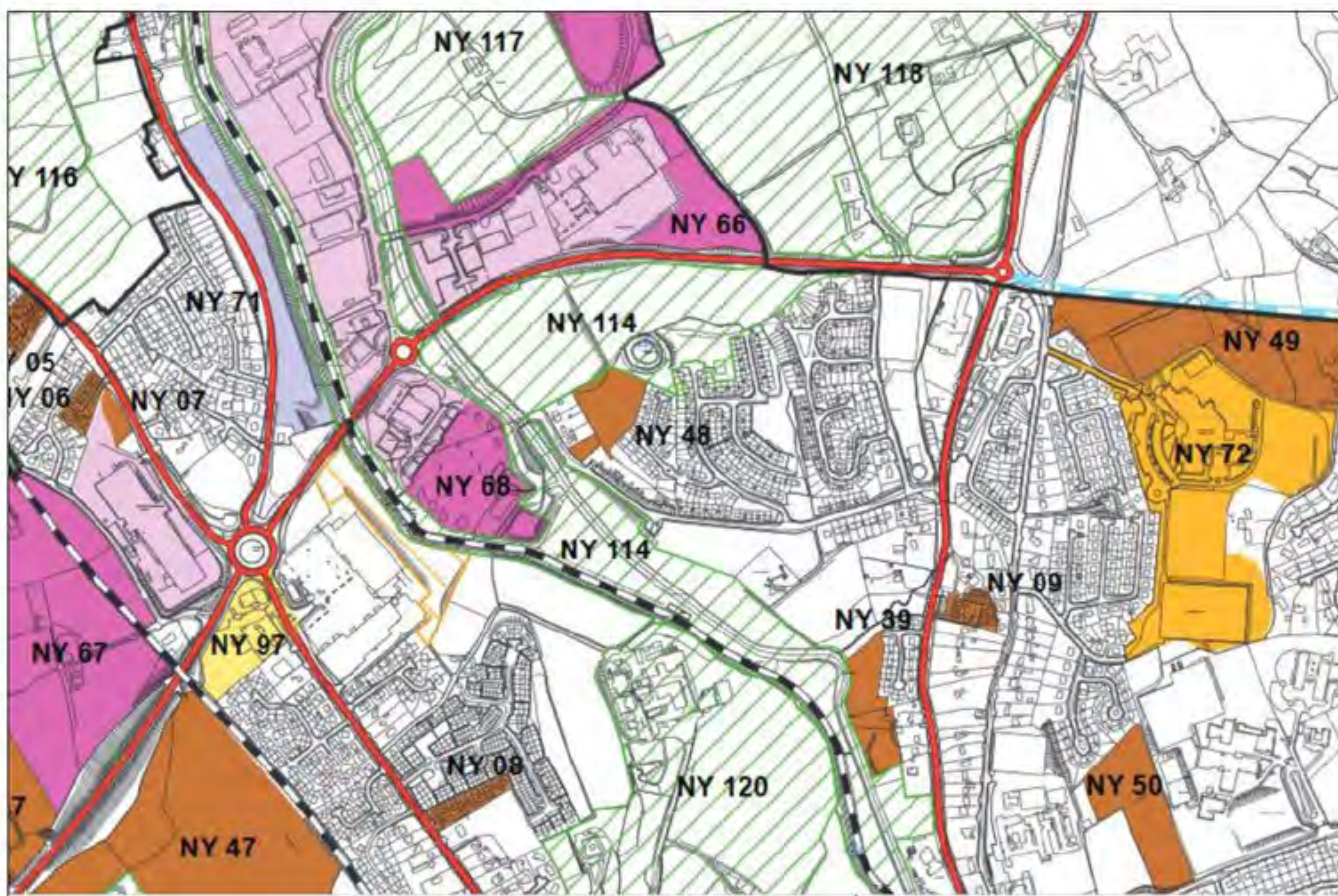
APPENDIX 1: Application Site.



APPENDIX 2: P/2009/0163/F PREVIOUS PLANNING APPROVAL (showing position of proposed food store and light industrial units).



APPENDIX 3: AREA PLAN CONTEXT



APPENDIX 4: INALTAS REPORTS

Retail Impact Technical Note

This technical note addresses the Gravis Planning Retail Impact Assessment.

It deals with the Gravis Planning figures. It does not respond to the Lucid Talk figures which do not follow a typical retail impact methodology.

Catchment

The Gravis Planning catchment estimate of the proposal is not agreed.

A reduced catchment area would exclude zones NE3 and NW3. While there is a case that SW3 zone could also be excluded it has been retained.

Catchment Population, Available Spend and Growth

The effect of this on population levels and the available spend in the catchment is set out below.

Population, Spend, Total Spend and Growth in Spend

Drivetime	2018	Spend per Head (£)	Total Spend (£Mill)	2021	Spend per Head (£)	Total Spend (£Mill)	Growth (£Mill)
0-5 Minutes	18741	1833	34.35	19041	1888	35.95	1.6
5-10 Minutes	26934	1833	49.37	27728	1888	52.35	3.0
10-15 Minutes	32973	1833	60.44	34014	1888	64.22	3.8
ROI	2417	1447	3.50	2461	1461	3.60	0.1
15-20 Minutes	15947	1833	29.23	16438	1888	31.03	1.8
ROI	4826	1447	6.98	4913	1461	7.18	0.2
Total	101838		183.87	104595		194.33	10.5

It can be seen that the catchment is 104,595 in 2021. This is 27,433 fewer people than the Gravis Planning catchment estimates.

The effect of this is that the growth in available spending over the study period is £10.5million. This is about £3million less than the Gravis Planning estimates.

Relationship between the Proposal, Spend and Growth

The relationship between Gravis Planning estimate of the proposal's turnover and available spend and growth is set out below.

It can be seen that the proposal's turnover equates to 32% of the entire available comparison spend in the catchment. The proposal will therefore be a dominant shopping location in the catchment.

It can be seen that the proposal's turnover is almost 6 times the amount of spending growth that will occur in the next 3 years.

Based on the spending estimates it will take almost 18 years of spending growth to support the proposal. This means that in order for the proposal to trade successfully, it must divert significant levels of trade from existing centres – the principal 'like for like' centre is Newry City Centre.

Relationship Between Spending, Growth and Turnover

Turnover (£Mill)	Available Spend (£Mill)	% of Spend	Growth (£Mill)	Percentage of Growth
62.61	194.33	32%	10.5	599%
Total Growth (£Mill)	Annual Growth (£Mill)	Turnover (£Mill)	No Years Growth to Support Proposal	
10.5	3.48	62.613	18.0	

Retail Impact

Gravis Planning estimate an impact on Newry City Centre of 12%.

We do not consider this to be a robust figure as it assumes only 30% of the proposal's trade will come from Newry City Centre. Given Newry City Centre is the only unrestricted comparison trading location in Newry and most of the principal catchment, it is unrealistic to expect 70% of the proposal's trade to come from 'restricted' retailing locations. This would be contrary to the principle of 'like competes with like'.

In order to test the potential level of impacts that Newry might face a range of scenarios have been set out below. For each scenario the impact on Newry City Centre is the key policy consideration.

There is a policy requirement to assess the cumulative impact of the proposal with other consents in the area. In this case, given there is a live permission for a foodstore with comparison retailing located beside this site, it has been considered prudent and robust to provide the cumulative impact should the two proposal's come forward together. Hence each scenario is classed as scenario a) being the solus impact of the proposal and scenario b) being the cumulative impact of the proposal and the comparison floorspace of the approved foodstore.

The scenarios are below.

Scenario 1a reflects the approach in the Inaltus Report, which weights 70% of the proposal's trade draw from Newry as a whole and 44% diversion from the City Centre. This creates an impact of 17% on the City Centre. This is a baseline impact diversion level.

Scenario 1b allows for the proposal and the committed foodstore comparison development and shows that the impacts could rise to 21% if both permissions were implemented.

Scenario 1a Weighted 70% Diversion from Catchment As Per Inaltus Report

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	44%	27.65	17%
Damolly	52.97	15%	9.19	17%
Other Newry	44.71	11%	6.99	16%
	257.47	70%	43.83	

Scenario 1b Weighted 70% Diversion from Catchment Plus Foodstore Comparison Allowance

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	44%	34.08	21%
Damolly	52.97	15%	11.32	21%
Other Newry	44.71	11%	8.62	19%
	257.47	70%	54.03	

*Comparison Floorspace of Foodstore Assumed to be £14,5million.

Scenario 2a shows the impact if the proposal draws 50% of its trade from Newry City Centre. This is a more likely scenario than 1a given the proposal and Newry City Centre will compete on a like for like basis. It shows Newry losing 20% of its trade to the proposal.

Scenario 2b again builds in the diversion of the proposal and the committed foodstore comparison development and shows that the impacts could raise to 24% if both permissions were implemented.

Scenario 2a 50% Diversion from Newry

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	50%	31.31	20%
Damolly	52.97	15%	9.19	17%
Other Newry	44.71	11%	6.99	16%
	257.47	76%	47.49	

Scenario 2b 50% Diversion from Newry Plus Foodstore Comparison Allowance

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	50%	38.59	24%
Damolly	52.97	15%	11.32	21%
Other Newry	44.71	11%	8.62	19%
	257.47	76%	58.54	

*Comparison Floorspace of Foodstore Assumed to be £14.5million.

Scenario 3a shows the impact if the proposal draws 60% of its trade from Newry City Centre. This is the most likely given the proposal and Newry City Centre will compete on a like for like basis. It shows Newry City Centre losing 24% of its trade to the proposal.

Scenario 3b again builds in the diversion of the proposal and the committed foodstore comparison development and shows that the impacts could rise to 29% if both permissions were implemented.

Scenario 3a 60% Diversion from Newry

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	60%	37.57	24%
Damolly	52.97	15%	9.19	17%
Other Newry	44.71	11%	6.99	16%
	257.47	86%	53.75	

Scenario 3b 60% Diversion from Newry Plus Foodstore Comparison Allowance

Location	Turnover 2021 £	% Diversion	£ Diversion	% Impact
Newry City Centre	159.79	60%	46.31	29%
Damolly	52.97	15%	11.32	21%
Other Newry	44.71	11%	8.62	19%
	257.47	86%	66.25	

*Comparison Floorspace of Foodstore Assumed to be £14.5million.

It can also be noted that if the foodstore is built it would require the applicant to set out the cumulative impact of the entire foodstore plus the proposal on Newry City Centre. This has not been done and no data has been provided to allow an analysis of this nature to be carried out.

Conclusion

An impact of 17% would be a concern for the vitality and viability of Newry City Centre. Impacts of 24%-29% would be of a very significant concern and would reduce the turnover of Newry City Centre by a quarter.

Newry, Mourne and Down District Council

**SECOND DETAILED APPRAISAL OF RETAIL IMPACT
ASSESSMENT**

**PROPOSED RETAIL PARK WITH ANCILLARY COFFEE SHOP AND
RESTAURANT UNITS
FORMER HM REVENUE AND CUSTOMS HOUSE AND CLEARANCE STATION,
CARNBANE WAY, CARNBANE INDUSTRIAL ESTATE, NEWRY BT35 6QG
REF:LA07/2017/0542/F**

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1) Introduction to the Brief

- 1) Inaltus have been appointed by Newry, Mourne and Down District Council to carry out a detailed Appraisal of the Supporting Planning Statement submitted for a proposed Retail Park with ancillary Coffee Shop and Restaurant Units at the Former HM Revenue and Customers House and Clearance Station, Carnbane Way, Carnbane Industrial Estate, Newry BT35 6QG (Ref: LA07/2017/0542/F). The Appraisal will be used to support the Council's consideration of the planning application in line with prevailing planning policy as contained in the statutory plan for the area, the Banbridge/Newry and Mourne Area Plan 2015 and the Strategic Planning Policy Statement (SPPS).
- 2) This Appraisal considers the Supporting Planning Statement of Gravis Planning (GP) dated April 2019.
- 3) This is the second review prepared by Inaltus. The first Statement (our 2018 Report) reviewed the work of MBA Planning. In cross referencing to our 2018 Report, this will be identified as "IN2018".
- 4) GP are now the new agents for this application and have presented new information to support the proposal.
- 5) It can be noted that having regard to our IN2018 Report, the proposal, the policy context, the background information and planning history has not changed. We do not therefore repeat the comments made albeit they remain valid.

2) Sequential Test

- 6) Our original commentary (IN2018 paragraph 53-54) on the sequential test was that the presentation of one-off small shop units would clearly not satisfy the need for a large retail development, and that more detailed consideration should be given to two sites that had been identified by MBA as having potential.
- 7) Our concern remains that the applicant has not provided sufficient justification as to why this proposal could not be located on the alternative sites particularly site NY90.
- 8) GP paragraph 3.5 has again stated that this site is not available and provided an aerial map of a variety of buildings and suggests that the ABP Food Group own the entire site.
- 9) This site is a large zoning and it appears that there are areas of land that are not occupied by any buildings. No evidence has been presented as to the suitability or availability of these lands.
- 10) GPs assessment and dismissal of the various sites comprises a single paragraph on each. For an application that seeks to provide unrestricted open class retailing out of centre in Newry, it is important that the applicant provides a thorough and robust analysis of alternative sites. That has not been provided.

Accessibility of the Application Site

- 11) GP paragraph 3.8 note our concerns about the accessibility of the site to public transport and suggest that public transport can be improved to the site. When making our comments we were aware of the potential of a public transport provision under the previous planning consent.
- 12) SPPS policy states '*out of centre locations, where sites are accessible by a choice of good transport modes*'. The policy does not provide scope for improved transport modes. The location of the proposal is off an inner ring road and not in any close proximity to housing. The accessibility of the site has been assessed at paragraph 50 of our IN2018 Report. It is a matter for the Council as to whether the site is accessible by public transport, given the comments in the Transport Assessment.
- 13) The Council are required to ensure that it has sufficient evidence to be satisfied that applicants have sought to apply the town centre first approach. The evidence at present does not provide a robust analysis on which to reach a recommendation.

3) Quantitative Issues and Retail Impact

Catchment

- 14) We indicated in our IN2018 Report (paragraph 69-70) that a 15 minute catchment should be utilised and that a 20 minute catchment should be supported by a household survey to inform whether the outer parts of the 20 minute catchment are appropriate. Having reviewed the GP report we disagree with the inclusion of the area north of Banbridge in the catchment area given the proximity of Sprucefield and Craigavon.
- 15) GP relies on the Catchment Area and surveys of the Roger Tym Retail Technical Supplement of the Banbridge Newry and Mourne Area Plan 2015 as a justification for their catchment. The catchment considered in the Technical Supplement sought to understand the shopping patterns of Banbridge and Newry as district towns. This is not justification to support a catchment of a Newry only location. The surveys used in the Technical Report are dated 2005 and so pre-date a large amount of retail development at the Boulevard and the opening of the large Tesco store and Home Bargains at this site. The applicant has been asked to justify their estimated catchment based on up to date evidence and shopping patterns but the information included by GP does not do this.
- 16) GP present data from 2009 (10 years old) from the Louth County Retail Strategy, which includes shopper surveys from 2007. Such surveys were taken before the 2008 financial crash and before a number of economic changes that have occurred in the last decade. Reliance on a 2007 survey is not consistent with the SPPS requirements for up to date evidence. Notwithstanding, the tables reproduced by GP paragraph 4.9 shows that in the Dundalk catchment 7% of people identified Newry as a shopping destination for clothing and footwear goods and 5% of people identified Newry as a shopping destination for bulky goods. This data implies a "tertiary" retail attraction and is not at a level that would support a 20 minute catchment.
- 17) GP Appendix 12 appends a survey undertaken by Lucid Talk. This provides information on catchment spend. Page 20 of the survey shows that £36million (64%) of available spend in zone NE3 is spent "outside the complete catchment area". Similar proportions is being spent outside the catchment area in zone NW3 (60%), SE3 (60%) and SW 3 (63.4%). The survey does not support a case for a 20 minute catchment.
- 18) GP has not fully addressed our comments about the catchment. There could be a case that 20 minutes is appropriate towards Dundalk and Armagh, but that needs to be properly

supported. The 20 minute catchment to the north is not justified. The Catchment Area should be a matter capable of agreement, but the information does not yet allow this.

Methodology

- 19) GP paragraph 4.29 is incorrect in implying that Inaltus recommends the market share approach to calculate existing retail turnovers rather than sales densities. The case presented by MBA original was based on an outflow case. In order to be helpful it was suggested (IN2018 paragraph 86) that to support the outflow argument surveys would be required to inform the RIA. Each applicant is entitled to apply a methodology appropriate to their case. GP applies the sales density approach.
- 20) Design and base years of 2018 and 2022 are acceptable. However GP paragraph 4.31 states *'we have projected this forward to 2021 and 2022, the latter being what we consider to be more appropriate and reasonable design year for the proposed development'*. All tables however apply 2021 as the design year. This is confused.

Catchment Population

- 21) The source of catchment population for Northern Ireland is accepted. We have carried out sample checks on the population sources for the NI wards using the 2017 Mid Year estimates and agree with the figures. The Republic of Ireland information states that it uses the 2011 Census. The most recent Census information is the 2016 Census and it would have been preferable that this was used.
- 22) The survey (Appendix 12 page 17 last column) indicates that there are 55,440 households in the catchment. Appendix 12 (Page 3 column 5) applies an average household size of 3. This suggests that the catchment population is 166,320 people. Alternatively, taking the total spend in the catchment in the survey (page 20 column 4) of £319,713,823 and dividing it by the survey spend per head of £2002.61 (page 1 Column 6) gives the catchment a population of 159,648 people. As a result the survey provides two different population estimates, both of which are about 30,000 greater than the published data and GP estimates. This is clearly contradictory. It leaves the Council in an invidious position of making an assessment and decision that is plainly open to challenge and we are obliged to caution against this.
- 23) The Table below reproduces the GP population estimates. It can be seen that the 15-20minute drive time has by far the greatest population and contributes 37% of the population to the applicant's catchment. It grows the population from a population of about 83,000 to 132,000 (+60%). This is a significant jump in catchment population which should be robustly justified.

GP Population Breakdown

Drive Time	2021 Population	% Population
0-5 minutes	19041	14%
5-10 minutes	27728	21%
10-15 minutes	36474	28%
15-20 minutes	48785	37%
Total	132028	100%

Zone Population

- 24) GP paragraph 4.33 again implies that Inaltus requested the applicants provide a zonal catchment. It is for the applicant's consultants to present the assessment. Inaltus have made comments on methodology. The Map produced at Appendix 7 is helpful, but again, the 20 minute catchment is not justified based on the evidence.

Available Spend

- 25) GP paragraph 4.37 advises that the spend per head has been updated with reference to published figure and also figures derived from the household survey. It is unclear how the published data and the household survey figures correlate. If anything the two data sources are inconsistent.
- 26) GP paragraph 4.41 states that the household survey found spend per head to be £2002.61 and states that '*it seems appropriate to use the spend per head from the household survey*'. No justification is provided.
- 27) GP paragraph 4.42 sets out estimates applied of spend per head. However GP fails to give consideration to SFT when concluding on a final spend per head figure to employ. The figures quoted seek to again draw comparisons with Inaltus figures, however again the figures are not applying the data consistently.
- 28) GP quotes spend per head for Inaltus in 2017 as £2030. This was based on a total spend per head of £2349 and SFT of 13.6% in 2014. If the current SFT allowance of 20% was applied to £2349, the spend per head would be £1879. This would be in close comparison with the GP

estimates of £1833 in 2018. The GP estimates from the survey of £2002.61 do not appear to be adjusted for SFT. Applying a 20% allowance for SFT would bring this estimate to £1601.

- 29) The more robust data is to use the LCFS data.
- 30) GP paragraph 4.39 does not appear to make any allowance for SFT spending in the ROI. This should be confirmed and/or addressed.
- 31) GP Appendix 8 Tables 4 and 5 set out competing available comparison spend scenarios. Table 4 applies the published available spend data and shows an available spend of £246 million in 2021 and a growth of £13.6 million in the 20 minute catchment. Again it can be noted that £90million (a third) of available spend relied upon by the applicant is from the 15-20 minute catchment area.
- 32) Table 4 also shows that £5.2 million (38%) of growth occurs in the 15-20 minute catchment. This is important because the large towns of Banbridge, Armagh and Dundalk will have a strong claim on this available spend and available growth.
- 33) Growth in the 0-15 minute catchment area equates to £8.4 million.
- 34) Table 5's estimates of available spend and growth are reliant on the household survey. However as indicate above, there is no way to verify the spend per head figures and it is unclear how these figures deal with SFT.
- 35) The same pattern of available spend is shown in Table 5 as in Table 4. About 103 million (35%) of the catchment spend is in the 15-20 minute catchment and £11million (36%) of spending growth is in the 15-20 minute catchment.

Turnover of Existing Comparison Retail Sector

- 36) GP paragraph 4.44 refers to Table 6 and states that the total comparison turnover in the catchment is currently estimated at around £391million rising to an estimated £415m by the design year.
- 37) There is no correlation between the estimated available spend and the turnover of shops. This is shown below where regardless of which spend per head is used, the estimated available spend in the 20 minute catchment is still £130-£169million less than that being spent in the catchment. No explanation is given for this substantial difference between the available spend and the estimated turnover of the centres in the catchment.

Comparison between Spend and Turnover Estimates

Year	Available Spend £	GP Turnover of shops in Catchment £ (Table 6)	Difference	% Difference
2021 (as per table 4)	£ 246,060,957	£ 415,380,452	£ 169,319,495	69%
2021 As per Table 5)	£ 283,142,526	£ 415,380,452	£ 132,237,926	47%

38) Centres will experience a degree of inflow, and often this is allowed for at 10%, but again this would be a 10% inflow from outside the 15 minute catchment. GPs analysis suggests there is an inflow of between 47% and 69% from beyond 20 minutes drive time. In other words for every £100 spent in the Catchment Area, about £40 comes from people living more than 20 minutes drive away. That is simply not realistic.

Turnover of the Proposal

39) GP paragraph 4.45 has not reflected on our original comments. The application is for a major open class retail development, and it is the applicant's case that it will attract shoppers from a 20 minute catchment and many from well beyond. For a development to attract customers in this manner means shoppers will turn their backs on available shopping opportunities in Dundalk, Armagh, Banbridge and Sprucefield. To attract people to this development, the proposal will need to offer shops that are above average. Sports shops such as DW Sports, household shops such as Harry Corry, toy shops such as Smyths Toys etc will not attract new people into this catchment because they are already located in Newry and already located in competing centres.

40) Moreover, the proposal is not for a mixture of bulky and non bulky retailers. The application seeks to provide wholly unrestricted retail floorspace and as such the applicant should apply sales density figures of premium retailers such as Next, M&S, The Perfume Shop, River Island, H Samuel to this proposal. An indicative tenant line up was requested (IN2018 paragraph 84), which has not been provided.

41) The letter from Mike Prentice Consulting Ltd (GP Appendix 13) provides no information of the tenants that would take up the space, other than to state that some of the retailers are not represented in Newry City Centre and some would be new to Northern Ireland.

Household Survey

- 42) GP (paragraph 4.49) relies upon the household survey to 'inform the assessment of retail impact'. The survey provides information that conflicts with the GP data in terms of retail impact. The survey (page 20) provides patterns of spending. It shows the following, which compares to GP estimates.

Turnover Estimates in the Catchment Comparison between GP and Survey

Location	Survey (page 20)	GP Table 9	Difference
Newry City Centre	£ 82,415,722	£ 159,792,267	£ 77,376,545
Other Catchment Area	£ 62,714,134	£ 255,588,185	£ 192,874,051
Outside Catchment Area	£ 174,583,967	£ -	£ (174,583,967)
Total	£ 319,713,823	£ 415,380,452	£ 95,666,629

- 43) This shows that despite the survey identifying a higher spend per head (excluding SFT) it has lower centre turnovers in the catchment than GP. Significantly the estimates of the turnover of Newry City Centre are about half that estimated by GP. Given the significant inconsistency between the figures the applicant should be required to clarify which evidence is to be relied upon. GP prefer to adopt the survey for its higher spend per head figures, but do not use it for the lower centre turnover figures.

Trade Diversion Assumptions

- 44) GP paragraph 4.49 states that the results of the survey have been used to inform the analysis of spending power in the catchment and to assess likely trade diversions by the proposal, but given the difference shown above it is not clear exactly how the survey informed the trade diversions.
- 45) GP Table C (page 19) sets out figures it says supports an understanding of shopping patterns of people living in Newry City. It is unclear where in the survey this data is derived from. GP relies on Table C to determine the patterns for trade diversion however, in order to test this the background information should be clearly set out.
- 46) The methodology employed by GP differs from the MBA report. The MBA report sought to justify the proposal based on claw back of outflow. GPs retail impact methodology applies a sale density approach and seeks to divert trade from existing shops in the centre, principally in Newry City Centre and elsewhere in Newry. The GP approach is similar to the Departments

approach in determining the comparison floorspace associated with the foodstore application at Carnbane Way (Ref: P/2009/0163/F).

47) The Department assumed the following trade diversion:

Newry City Centre	48%
Damolly Retail Park	11%
Newry City Other	28%
Other in 15 Minute Catchment	0.3%
Outside 15 Minutes	12.7%
Total	100%

48) GP diversions (Appendix 8 Table 9) are summarised below:

Newry City Centre	30%
Damolly Retail Park	20%
Newry City Other	20%
Other in 15 Minute Catchment	12%
Outside 15 Minutes	18%
Total	100%

49) GP trade diversions do not follow any realistic trading patterns. In turnover and floorspace terms it can be noted that Newry City Centre has considerably more floorspace and turnover when compared to the other shopping locations in Newry.

50) Even applying only the diversion level of 70% of the proposal's turnover from Newry (which we would not accept but which is what GP suggest) on a pro rata basis this would indicate that over 44% of trade should be diverted from Newry City Centre. This is shown below. It would mean that £27.55 million should be diverted from the City Centre and would result in an impact of over 17%. This would be more in-line with the Department's trade diversions for the comparison floorspace of the foodstore application.

Analysis of Floorspace and Turnover of Newry Locations

Location	Floorspace	% Floorspace	Turnover 2021 £	% Turnover	Average % between Floorspace and Turnover	Weighted % of 70%
Newry City Centre	39300	64%	159792267	62%	63%	44.16%
Damolly	13093	21%	52965672	21%	21%	14.67%
Other Newry	8922	15%	44707192	17%	16%	11.17%
	61315	100%	257465131	100%	100%	70.00%

- 51) There is a requirement to consider whether there would be alternatives to the pro-rata diversion set out above. However, as the proposal is for unrestricted open class retailing, and there is only restricted retailing found outside the City Centre, there would be grounds to weight the diversion more heavily on the City Centre, increasing potential impact. This would be consistent with the principle of "like competes with like".
- 52) GP paragraph 4.55 states rightly that the City Centre is the nearby competitor of the proposal, but the estimated diversions have been "*tempered*" by the findings of the household survey. Again it is unclear what link there is between the household survey to the decision to temper potential diversions. The same paragraph notes that the City Centre is found to be congested in the survey. This would increase the potential diversion of trade to an unrestricted retail park with good access to Carnbane Way and free car parking. As such the potential diversion levels should be more, not less than what GP suggest.
- 53) It can also be noted that the shops in Damolly are restricted retail shops and as such there would be less chance of like for like trade diversions and impacts. The other Newry locations is clearly dominated by Tesco. This appears to have a very high comparison turnover of £24 million, when it is more likely to be around £10million. The MBA Retail Impact Assessment submitted with the Tesco application estimated that the comparison turnover of this store would be £9.86 million in 2012. As such the comparison turnover for Tesco seems to be an over estimate.
- 54) We acknowledge GP has reduced diversion from the Boulevard to 12%, which seems appropriate.
- 55) In terms of loss of trade from Dundalk, Sprucefield, Armagh Craigavon and Boucher, GP draw trade from these Centres of 13%, which whilst above a normal 10% allowance for inflow, would be inconsequential overall.

Cumulative Impacts

- 56) We are unclear as to GP's case regarding the approved foodstore on this site. GP paragraph 4.63 states that the foodstore will not be built unless the requirement to build business units is removed. However this application is located on the business unit lands and approval of this application would mean the business units could not be built and the applicant could seek to remove the condition requiring the business units on grounds that the condition is no

longer reasonable. This permission P/2009/0163/F is valid until August 2019 and thus unless the Council are satisfied the permission has lapsed at the time of making a decision, it would be necessary to have regard to the potential impact of the comparison element of the foodstore. The comparison floorspace of this store could have a turnover of over £12million and it would be appropriate to model it.

- 57) The permission at Bridgewater Park remains a live permission that can be built out at any time. We note the comments made by GP paragraph 4.64, but this is a consent that has already been highlighted and there is scope for some aspects of the permission to divert trade from Newry. It would be appropriate to model it.

Summary on Quantitative Issues and Retail Impact

- 58) As it stands there are a number of concerns regarding the retail impact assessment. The methodology has changed and while our IN2018 Report made some comments, the fact that the applicant has appointed new consultants that have employed a different methodology to that which was previously discussed, means this is the first opportunity we have had to comment on the approach.
- 59) The approach in this case is confused and presents within it two competing sets of figures for the population, spend per head, total available spend and the turnover of existing centres. GP cherry-pick the spend per head figures from the survey, but ignore the other figures provided in the survey.
- 60) There is no correlation between the available spend and the turnover of centres in the catchment. The difference in the figures are very wide and there is no acknowledgement or explanation for this.
- 61) It is unclear the basis for the trade diversion assumptions, which despite GP implying they are based on survey data, it is not set out where in the survey data the assumptions are sourced.
- 62) Applying the historical Department levels of trade diversion the impacts of the proposal would be circa 17%. If like-for-like diversion were applied impacts could be higher. The applicant's criticism of Newry City Centre as a trading location could also encourage even greater than 44% trade diversion from the City Centre and higher impacts as a result.

4) Need

- 63) GP paragraph 5.2 indicates that there will be a growth of £30mill between 2018 and 2021, however, this is based on the survey spend per head figures and not the LCFS. Applying the LCFS the growth is £13million. Allowing for the potential for the comparison turnover of the foodstore alone at Carnbane Way would soak up all of this growth.
- 64) GP paragraph 5.3 illustrates the inconsistencies in the approach. It recognises that the household survey is indicating a reduced level of turnover in the Catchment Area to the GP sales density approach, with the survey showing an outflow of expenditure of £174.5 million and the sales density approach showing an inflow of expenditure of £132.2million. While there will be some inflow and outflow in any catchment, the levels of figures in this case are simply not credible in either case.
- 65) GP paragraph 5.3 implies that even though their figures show a massive inflow of £132 million, the proposal should be allowed because £174 million is being spend by people that live in the catchment outside the catchment area. In percentage terms:-
- The GP analysis shows an inflow of 47%; and
 - The Survey analysis shows an outflow of 54.5%.
- 66) Given the trading levels of Newry and the distances to competing centres, neither of these figures can be right. These figures do not imply a need for the proposal, instead they highlight that there is no correlation between the demand and supply in the GP report or in the survey.
- 67) GP paragraph 5.4 sets out the employment generated by this proposal. It is a matter for the Council as to the weight to be given the jobs created by this proposal.
- 68) The LucidTalk qualitative survey presents the replies of 504 people surveyed, however, despite the survey stating that the results are provided by each individual segment in the 20 minute catchment the results are only presented for the whole 20minute catchment. As such it is not possible to determine if people responding to these questions live in Newry or perhaps 20minutes away in Banbridge.
- 69) GP paragraph 5.5 presents the findings of the survey without specific reference to page or question number, which is unhelpful. There is no way of knowing where those that are dissatisfied in the survey live.

- 70) As such the arguments presented by GP in paragraph 5.6 are not directly supported by the survey or their own analysis. For example, given GP find a massive 47% inflow of spending to the catchment it is inconsistent to argue that the proposal will retain shoppers in Newry and help make Newry a stronger retailing destination. There is nothing in the applicant's statement to suggest that Newry City Centre will be a stronger destination if this out of centre development is allowed.
- 71) GP paragraph 5.7 suggests that the proposal will balance the city retail offer, as a large part of the City Centre's comparison retail offer is located in the two shopping centres. This argument is inconsistent with the town centre first approach and the sequential test. There is no case being made that there will be any linkage or connection between the application site and the City Centre. The fact the application site is about 1.2 miles from the City Centre and will provide directly competing goods of a major scale from unrestricted shops indicates there is little to entice customers to make linked trips between the two locations.
- 72) Whilst there may be a benefit from a reduction in congestion, it is a matter for the Council as to the weight that is applied to this factor, bearing in mind the scale, nature and location of the proposal. It is notable that proposals are progressing for the Newry Southern Relief Road which is currently out to consultation.
- 73) GP paragraph 5.10 makes the case for cross border trade. There is a clear and obvious case that shoppers cross the border, however the scale of this is unclear other than the suggestion that it equates to 25% of zones SW2 and SW3.
- 74) GP paragraph 5.11 states that the Mike Prentice letter is '*evidence of a strong need for the proposed retail space*'. The letter provides no evidence, no names of specific retailers and no market research showing a demand from additional retail units of the scale proposed seeking to locate in Newry and which cannot be accommodated in the City Centre.

Assessment Against SPPS Para 6.290

- 75) Turning to the key test of the RIA, which is whether the proposal satisfies the criterion of SPPS para 6.290 the following can be noted:
- **the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;**

76) The impact of the proposal cannot be fully assessed. A sensitivity assessment of the proposal based on current information is likely to find the proposal unacceptable. The Council should invite the applicant to review the GP RIA with a view to substantiating the retail impact case to address the conflicting figures and data presented.

- **the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;**

77) There has been one objection to the proposal – from Retail NI and one letter of support from a resident in Bangor, County Down.

- **the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;**

78) The proposal will make delivery of the NY90 site more difficult. The large out of town retail park could soak up all available retail growth over the coming years.

- **the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.**

79) The proposal is unlikely to harm the diversity of Newry as it seeks to introduce more multi-national retailers.

- **Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area;**

80) The cumulative impact of the proposal has not been assessed with the Bridgewater Park development or the comparison element of the approved foodstore. It should be as these are likely to squeeze the catchment, reduce potential available retail growth for the proposal and will potentially increase impacts.

- **a review of local economic impacts.**

81) The local economic impacts have been noted.

5) Conclusion

82) To put the Council in a position to assess this application in detail it would require the applicant to update the supporting information. It is a matter for the applicant, but it would be our view that:

- a. The applicant must provide clarity as to the case being made. The retail data presented is internally conflicted. The RIA is not robust;
- b. The Catchment should be justified properly using survey information. This has not been clearly set out;
- c. The Need case needs to be made explicit. The conflicting retail impact methodologies makes the need case unclear;
- d. The Sequential Assessment should reflect the proposal that is needed and rigorously assess the key alternatives in the City;
- e. The Retail Impact should present a clear transparent methodology that can be tested and demonstrate a correlation between the demand and supply of retail floorspace or a credible explanation and evidence for lack of correlation.
- f. Other aspects of the Retail Impact Assessment highlighted in this report should be addressed, in particular more robust assumptions on trade diversions and cumulative impact.

Newry, Mourne and Down District Council

DETAILED APPRAISAL OF RETAIL IMPACT ASSESSMENT

**PROPOSED RETAIL PARK WITH ANCILLARY COFFEE SHOP AND
RESTAURANT UNITS**

**FORMER HM REVENUE AND CUSTOMS HOUSE AND CLEARANCE
STATION, CARNBANE WAY, CARNBANE INDUSTRIAL ESTATE,
NEWRY BT35 6QG REF:LA07/2017/0542/F**

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6) Introduction to the Brief

- 1) Inaltus have been appointed by Newry, Mourne and Down District Council to carry out a detailed Appraisal of the Retail Impact Assessment submitted for a proposed Retail Park with ancillary Coffee Shop and Restaurant Units at the Former HM Revenue and Customers House and Clearance Station, Carnbane Way, Carnbane Industrial Estate, Newry BT35 6QG (Ref: LA07/2017/0542/F). The Appraisal will be used to support the Council's consideration of the planning application in line with prevailing planning policy as contained in the statutory plan for the area, the Banbridge/Newry and Mourne Area Plan 2015 and the Strategic Planning Policy Statement (SPPS).
- 2) This Appraisal considers the following:
 - The Proposal;
 - Policy Context;
 - Background Information and Planning History; and
 - Assessment of the Proposal.
- 3) The Retail Impact Assessment has been prepared and submitted by MBA Planning dated April 2017 (MBA RIA). The application raises matters of policy compliance in terms of a variety of issues such as loss of industrial land, flooding and traffic impact. An Environmental Statement has been submitted with the application. This Appraisal does not comment on these planning issues as they are beyond the scope of the appointment.
- 4) In addition, the applicant has submitted an Economic Impact Assessment. Detailed appraisal of this is beyond the scope of the appointment, however, some comments are provided in respect of this Assessment during the appraisal of the RIA. We would recommend the Council obtain independent advice on the Economic Impact Assessment submitted.

7) The Proposal

- 5) The proposal is for an **unrestricted open comparison retail** development providing 11 shop units (MB RIA para 1.2) as follows:
 - Unit 1 provides 2830 sq m (30,462 sq ft);
 - Unit 2 provides 1880 sq m (20,236 sq ft)
 - Unit 3 provides 1885 sq m (20,290 sq ft)
 - Units 4-9 each provide 911 sq m (10,667 sq ft)
 - Unit 10 provides 993 sq m (10,688 sq ft);
 - Unit 11 provides 1599 sq m (17,211 sq ft);
 - Restaurant Units 1-3 each provide 325 sq m (3,498 sq ft); and
 - Café Unit provides 250 sq m (2691 sq ft).
- 6) The P1 form confirms the gross floorspace is 16,836 sq m (181,223 sq ft). Total gross retail floorspace is about 14,653 sq m (157,725 sq ft) and net retail floorspace is about 12,106 sq m (130,309 sq ft). It is a major application and indeed one of the largest retail proposals being promoted in Northern Ireland.
- 7) Access to the site is provided from Carnbane Way via a new roundabout, and 875 surface level parking spaces are to be provided. The site will have high visibility and easy access from the Carnbane Way and relatively quick access from the A1 dual carriageway.
- 8) The use of the development is unusual in that it seeks to provide uncontrolled and unrestricted comparison retail use in an out of town centre location. Planning policy has typically distinguished between large scale retail units that are too large for town centres to be located on edge and out of centre locations, where the case has been presented that the type of retailing is for the sale of bulky goods comparison retailing or superstore retailing. The proposal does not seek any form of restriction that might mitigate its impact on town centres or that might distinguish it from typical town centre retailing.
- 9) The proposal suggests it will be a substantially different format and composition to any existing retail location currently available in Newry City (MBA RIA para 1.3). That is technically correct (as there is no out of town open class retail parks in Newry), but the reason for that is because policy has long directed open class retail development to the town centres and would oppose development of unrestricted retail development in out of centre locations.

10) The application implies the proposal will be comparable to Boucher Road in Belfast, Sprucefield in Lisburn, the Outlet Banbridge and Rushmere in Craigavon (MBA RIA para 1.3). However, it is important to note that:

- The Outlet (now branded as the Boulevard) is restricted to retailing of discounted fashion goods. It is a factory outlet village where end of season goods are sold. It is controlled retail use.
- Sprucefield is designated under policy as a regional out of town shopping centre (Regional Development Strategy para 3.41). Its uses are controlled by condition, and it does not have unrestricted retail use.
- Rushmere Retail Park is a town centre location.

11) The only out of centre retail park that is unrestricted is Boucher Shopping Park. This is confined to the area within the Shopping Park and would exclude much of the Boucher area such as Shane Retail Park and Lesley Retail Park which are controlled and restricted to retail warehouse style development.

12) The application is predicated on a case that it will attract car-borne trade that is currently bypassing Newry and leaving the Newry area to travel to other competing locations (MBA RIA para 1.3). This is an outflow or clawback case. We comment on the rational of this argument later.

Summary

13) This is a unique proposal, not because it will provide something that is novel and new, but simply because planning policy has long controlled and restricted retail development such as this when located in out of centre locations. Policy has directed unrestricted retail shops to town centres. It now directs all retail regardless of type to town centres first.

8) Policy Context

- 14) The MBA RIA does not provide any comments of the policy approach other than brief references to the SPPS. It is agreed that the key test for the proposal is its compliance with the SPPS, however, it is also important to have regard to the Local Development Plan.
- 15) The Planning Act (Northern Ireland) 2011 sets out the approach to assessing this application. Section 6 (4) states that *"Where, making any determination under this Act, regard is to be had to the local development plan, the determination must be in accordance with the plan, unless material considerations indicate otherwise"* and Section 45 (1) states that *"the Council or, as the case may be, the Department, in dealing with the application must have regard to the local development plan, so far as material to the application, and to any other material considerations"*.

The Banbridge/Newry and Mourne Area Plan 2015

- 16) The Banbridge/Newry and Mourne Area Plan 2015 (the Plan) is the Local Development Plan for assessment of this application. Volume 1 Strategic Plan Framework (pages 32-35) deal with Retailing. The Plan refers to the Roger Tym Partners (2006 Study updated in 2009) and the findings that Newry City could accommodate between 17,000 and 28,000 sq m (net) of additional comparison floorspace of which up to 20% (i.e. 5,600 sq m) could be accommodated through the redevelopment, extension and more efficient use of existing retail units. It states *"Since the study was prepared there have been a number of changes in circumstances which indicate that these estimates have been over optimistic including the impact on consumer spending of the economic climate post 2008. More importantly population growth has been substantially lower than anticipated by the 2006 projections used in the report, as demonstrated by the 2008 projections and 2011 census results. It is therefore prudent to adopt a more cautious approach for Newry City. Retail growth can be accommodated in the city centre by the existing commitment at Newry Road for mixed use, comprising 8,946 sq m (net) of comparison and 4,764 sq m (net) of convenience shopping. This is also complemented by a commitment for a superstore comprising 4831 sq m (net) of mixed retailing of which up to 1,960 sq m may be devoted to comparison goods. Thus, any residual capacity is anticipated to be small."*
- 17) The Plan (page 34) states *"Other locations – Retail parks, retail warehousing and other forms of shopping are part of the retail landscape and are often found outside of town centres. Any*

new or further expansion of these facilities may be considered within the context of prevailing regional policy... most retail growth within Newry City can be accommodated by existing commitments and more efficient/expansion of existing retail units, the priority must be on regeneration and increasing the attractiveness and convenience of town centres for shoppers".

- 18) The Plan (page 35) notes that *"Within the designated city and town centres, development opportunity sites are identified to encourage redevelopment and to accommodate town centre uses"*.
- 19) Volume 3 of the Plan deals with Newry. Pages 21-29 deals with the City Centre. Page 22 designation NY75 designates the City Centre boundary. The Plan notes that *"The boundary has been extended in recognition of the growth that has occurred over the previous plan period and to make ample provision for the future growth to 2015. It is extended to include the largely office area of Downshire Road, the Quays shopping complex, the West campus of Newry Institute and neighbouring businesses and the largely commercial/industrial area north of Upper Edward Street and Cecil Street. It also encompasses major brownfield Development Opportunity Sites including existing and former industrial/commercial land at Warrenpoint Road, Albert Basin, former residential flats at North Street and land to be vacated by the proposed relocation of Abbey Primary and Grammar schools"*.
- 20) The Plan identifies 13 Development Opportunity Sites. MBA RIA does not deal with these sites. It does provide comment on them in the Environmental Statement Section 5 dealing with Alternatives. We comment further on this below.
- 21) Given the foregoing, it is clear there is likely to be some retail need in Newry, however the quantum of it is not defined.

Strategic Planning Policy Statement

- 22) The Strategic Planning Policy Statement (SPPS) is the prevailing regional policy for considering new retail development. Its retail policies are set out at pages 101-105.
- 23) The SPPS makes the following points:
- 24) Para 6.269 *"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 demand"*.
- 25) Para 6.270 *"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."*

- 26) Para 6.271 sets out the regional strategic objectives for town centres and retailing which includes securing a town centres first approach for the location of future retailing; adopting a sequential approach when decision taking; and ensuring decisions are informed by robust and up to date evidence in relation to need and capacity.
- 27) Para 6.273 restates that *"Planning authorities must adopt a town centre first approach for retail and main town centre uses"*.
- 28) Para 6.280 states *"A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused"*.
- 29) Para 6.281 states *"Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):*
- *primary retail core;*
 - *town centres;*
 - *edge of centre; and*
 - *out of centre locations, only where sites are accessible by a choice of good transport modes"*. (Emphasis added)
- 30) Para 6.282 states *"In the absence of a current up to date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking into account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites"*. (Emphasis Added) The need for this proposal is discussed below. However, it is notable that need case for the proposal as presented by MBA is limited to 3 paragraphs in Section 7 of the MBA RIA. Some reliance may be placed upon the RSM Economic Impact Statement, but the need case presented is not proportionate to the scale and significance of this development. It is not objective, it is limited and fails to take account of committed development and allocated sites.
- 31) Para 6.283 sets out the requirement to provide a retail impact assessment.

- 32) Para 6.289 requires flexibility in seeking to accommodate developments in sites that have a constrained footprint. It confirms that applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.
- 33) Para 6.290 sets out the 6 factors to be addressed in the RIA and assessment of Need. Para 6.291 notes that *"where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused"*.

Summary

- 34) There are clear criteria to be applied when considering the acceptability of a proposal including, whether it is needed, whether alternative sites are available or whether impacts will be acceptable.
- 35) However, there is a fundamental question that the Council must consider which is, given the clear town centre first approach to retail development, is the Council willing to accept unrestricted retailing of comparison goods of a major scale on an out of centre location?
- 36) If it is, the questions that must follow are:-
- What level of need is there, and can that be objectively demonstrated?
 - If there is an agreed objectively defined need which is the most sequentially preferable site that it can be accommodated on?
 - If that site is out of centre will the proposal cause harm to the City Centre and if so can that harm be mitigated?
- 37) In answering these questions, the Council should reach a balanced and robust decision. However, as shown later, the information currently provided by the applicant does not allow a fully informed and up to date assessment to be made or for these questions to be answered.

9) Background Information and Planning History

- 38) The planning history of this area includes the following relevant considerations;
- 39) **Application Permission P/2009/0163/F** was approved in August 2014 and remains an extant permission. This permitted a mixed-use development to include a foodstore, 70 light industrial/business units, 1 gatehouse, 1 coffee shop, 14 residential units, car parking and landscaping and site works.
- 40) The store approved in this case was restricted to 8,000 sq m, with a net retail floorspace of 5,200 sq m and a net convenience floorspace of 3120 sq m and 2080 sq m non-convenience floorspace.
- 41) The permission requires a block of industrial units to be constructed and available for occupation prior to the opening of the store.
- 42) Under the current application, MBA RIA para 5.2 notes that *"the proposal and the superstore therefore cannot co-exist and a separate planning application for a reduced format superstore is intended to be submitted by the applicant on that site in the future"*.
- 43) We are unaware that any other applications have been submitted. We would also observe that there is no requirement to reduce the foodstore size, and instead the applicant could seek to vary the permission to reduce the amount of industrial floorspace use and remove the negative condition. That would allow the full superstore to be developed on the site.
- 44) In terms of background information, it is instructive to note the following documents:
- 45) **Braniff Associates RIA** (page 38) for the superstore undertook a shopper survey and found high proportions of shoppers that visit Newry City Centre for comparison goods. For example, 72% of shoppers normally visit Newry City Centre to buy clothes and footwear. The survey was undertaken in the traditional way using a household telephone survey based on zones defined within the catchment.
- 46) **DoE Development Management Report** for the application found the following:
- Page 16 spend per head in comparison goods after SFT was £2188 in 2017;
 - Page 16 the comparison turnover of the superstore would be £10.78 million in 2017;
 - Page 18 sets out the Department approach on comparison trade diversion and retail impact. It found a diversion of 87.10% from the 0-5 minute isochrone, comprising

48% from Newry City Centre and 39.1% from the remainder of the town. Only 12.7% trade will be drawn from outside the 15 minute catchment.

- Page 19 the Department identified committed developments of Tesco at Bridgewater Park (Q/2010/0119/F) and P/2009/1490/F at Greenbank Industrial Estate as commitments. It assessed the Bridgewater Park, but did not assess the Greenbank permission as it is now located inside the town centre boundary.
- Page 20 the Department considered that 14% impact (convenience goods) would be beyond the margins of what would normally be considered acceptable.
- Page 21 in terms of alternative sites, the Department considered Development Opportunity Sites NY89 and NY90. The Department in relation to NY90 found that *"it is clear from the extant planning permission on the site that the potential exists for the development of the site. I consider this to be a potentially viable alternative"*.
- Page 21 the Department were provided with a detailed Economic Impact Assessment.
- Pages 31-32 the Department accepted that the limited potential for retail impact on Newry City Centre, the potential viable alternative sites (among other points of objection), where outweighed by the economic benefits of the development.

Other Background Information Submitted

- 47) The applicant has submitted in support of their case a copy of the Inaltus Retail Study Research that considered population and expenditure for the Newry P/2009/0163/F proposal. This sets out the extend of the 15 minute catchment, population estimates and available spend per head within the catchment of the superstore. It is helpful as it is the same location as the proposal. However, as is shown below, MBA RIA appears to diverge from the findings without any explanation.
- 48) The applicant has also submitted the TSA Retail Floorspace Study and the Louth Retail Strategy March 2009. Again, no comments are made by the applicant on these Reports. It is assumed that the applicant has used these reports for baseline data that has been updated. However, the MBA RIA does not explain where and why it adopts the data and where and why it diverges from the data. If that information was provided it would facilitate agreement on aspects of the MBA RIA.

10) Assessment of the Proposal

Alternative Sites

- 49) The town centre first approach places a clear emphasis on the need for a robust and detailed assessment of alternative sites. MBA RIA provides no comment on alternative sites, and leaves this to be detailed in the consideration of alternatives in the Environmental Statement. The requirement to consider alternatives in an Environmental Statement are different to the requirement to consider alternatives in retail policy terms.
- 50) The Alternatives assessment (ES Section 5 para 5.6) suggests that the proposal's location is the fourth preference location because the site will be served by an integrated bus service and a dedicated bus stop is provided. The Traffic Assessment acknowledges (EIA Appendix 4 Section 2.3) that the site is served by existing public transport with stops on the A27 Tandragee Road and Armagh Road and Downshire Road, but these regional services are beyond normal walking distances. Newry City Service 338 can be accessed by via pedestrian routes to bus stops in Shandon Park. It is a matter for the Council as to whether the stops for Service 338a and the provision of a new bus stop would support the suggestion that the site is accessible in policy terms. The TA section 3.3 indicates that the provision of the bus shelter will 'if demand dictates' allow the potential re-routing of an existing service to the site. The discussions on this are to be undertaken should the scheme receive planning permission. That does not suggest the site is accessible by a choice of good public transport modes.
- 51) MBA correctly identifies the case law and the approach to be used to assess alternative sites. The Tesco Dundee case referred to the EIA Chapter 5 para 5.8 is the principal judgement. It is important that the assessment of alternatives matches the general requirements of the proposal. However, it cannot be the case that a developer simply finds a large out of town site, fills it with retail and as a consequence demonstrates that it is so large that it cannot fit into any location except an out of town location.
- 52) The need for such a large development must be a key balancing point, otherwise Council's would be obliged to approve all large retail developments.
- 53) The list of alternative single locations supplied by MBA EIA Appendix 3 are clearly not capable of supporting the development. It is impractical to require the development, if there is a demonstrable need for it and no harmful impact, to consider relocating to any of the small sites and single shop units. Most are too small to accommodate any of the units proposed.
- 54) However, the two sites that are worthy of detailed consideration, but lack any more detail than the others are the development opportunity sites of NY89 and NY90. The Department previously considered NY90 a possibility and again the applicant should explore each further

to demonstrate why they cannot be used in this case. In addition, there are opportunities for retail uses in the Buttercrane where M&S has vacated and a number of units at the Quays Shopping Centre beside the new M&S store.

Summary

- 55) We have our doubts that the site is accessible by a choice of good public transport. The site is designed and located to be car orientated. There is no current public transport serving the site. Existing bus routes are too far away or are in the middle of housing developments that future shoppers would most likely be completely unaware of.
- 56) The two key alternative sites that should be assessed have not be addressed in any detail and the applicant should consider it further. The other large anchor at Buttercrane and new units at the Quays should be considered also.
- 57) Moreover, the scope of the development and the scale of floorspace would need to be justified (in quantitative or qualitative terms) to demonstrate that the size of development purported is in fact needed and only on that basis should the alternative sites be identified and then discounted as being too small or not viable.

Need

- 58) Policy requires a need assessment to be carried out that is proportionate to the scale of development being proposed and *"may incorporate a quantitative and qualitative assessment of need taking into account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites"*.
- 59) It is clear from the Plan that the Department's position at the time the Plan was adopted was that there were adequate lands zoned within the town centre to accommodate any demand. MBA RIAs (para 7.1-7.3) case on need is based on the fact 'need' is not defined in the SPPS, it can mean anything, the threshold can be very low, and that the proposal is needed to curtail outflow of trade, reuse a vacant brownfield site and to redress the low employment levels in Newry.
- 60) This is a missed opportunity on behalf of the applicant and the Council should require more compelling evidence on need that gives comfort that there is a demand and need from retailers for the type of retailing and the size of units proposed.
- 61) It requires evidence that the critical mass of 11 units is the appropriate number and fewer units are not more appropriate. In order to obtain planning permission for a unrestricted out of town retail park, of the scale proposed, the applicant would be expected to provide

significant evidence that supports the case, rather than suggesting the need can be supported because the developer desires it. That is not a proportionate response – in policy terms – to support such a proposal.

- 62) The applicant's case on need in quantitative terms is undermined by the fact that the growth in the catchment as shown below is £19.4 million. That contrasts to the envisaged turnover of the proposal of £53 million. The quantitative need in floorspace terms on this basis would be £19.4 million divided by 4539 sq m = 4274 sq m. So, on the applicant's case there is a need for a development about one third the size. It would also imply a site requirement of 2ha. That may bring alternative sites or parts of sites into play.
- 63) In terms of the qualitative case for the proposal, it does not provide a new type of retailing. Open class comparison retailing is available in Newry City Centre at the Quays and Buttercrane. The locations MBA RIA suggest it will compete with are either designated town and out of town regional centre and a factory outlet centre. The only close comparable is the Boucher Shopping Park. However, it is unlikely that people shopping in Next, Matalan, TK Maxx, Cotswolds, Boots or any of the retail shops at Boucher Shopping Park are visiting it normally instead of Newry. The qualitative case is not sufficiently robust to support the proposal.
- 64) Furthermore, the case that people are leaving the catchment to visit these alternative locations is not properly supported by the MBA RIA or the LucidTalk survey. This is discussed further below.

Summary

- 65) The need for the proposal must be made out in more robust terms. The current case for need is not convincing. There is scope to make a stronger case, but it is likely that the need will be for a significantly smaller development, which may be better located closer to the City Centre.

Retail Impact

- 66) MBA RIA deals with retail impact in Section 4. It follows a step by step sales density approach. This is unusual for an application that is based fundamentally on an argument of outflow and claw back. A market share approach is the normal methodology used to support an outflow case
- 67) Taking the individual steps, the following can be noted.

- 68) The base and design years of 2017 and 2019 (MBA para 4.3-4.4) were perhaps appropriate at the time of writing, however given the passage of time the design year would need to be rolled forward to 2020.

Catchment

- 69) MBA RIA (para 4.2) applies a 20 minute drive time catchment. As a starting point 15 minutes might have been utilised. Certainly a 20 minute catchment implies a significant draw for the development. It would be unusual for a shopper that is resident in Dromore to choose Newry ahead of Lisburn or Banbridge. There is a need for a more refined approach to the catchment. A proper household survey would inform whether the outer edges of the 20 minute catchment are appropriate to be in the catchment or not. The case for the 20 minute catchment may be appropriate towards Dundalk and Armagh, but it is questionably towards the north.
- 70) The location of competing facilities and intervening facilities curtails a catchment. More information would be needed to justify the full 20 minute catchment. This is a matter that should be capable of agreement between the parties.

Population

- 71) The population in MBA RIA Appendix 3.2 Table 1 sets out a catchment of about 120,000. There is an error in the table as it excludes the ROI population in the 10-15 minute drive time around Omeath.
- 72) The information used in the ROI is taken from the 2011 Census, however the 2016 Census data may be more appropriate to use. The baseline population figures for NI wards seems appropriate. The growth rates for the population are not clear and it would be appropriate to state these rather than simply include a website address as the actual data from the websites references are not immediately apparent. The growth rates do appear reasonable but need to be clearer.
- 73) The actual population that is derived from the exercise appears to be higher than we would have expected particularly in the 10-15 minute catchment. Even allowing for growth rates and year difference between the Inaltus Report and the MBA RIA the estimates seem high. Further adding in the ROI figures pushes this isochrone population higher again. This should be reconsidered. Again, this is a matter that should eventually be capable of agreement between the parties.

Spend per Head

74) MBA RIA Appendix 3.3 Table 2 utilises the Pitney Bowes UK average spend per head data. It has long been recognised that Northern Ireland has a lower spend per head, and historically the Department utilised the results of the Living Costs and Food Survey. In contrast to the information supplied by MBA the following can be noted:

- Department Estimates 2017 in P/2009/016/F £2188
- Inaltus Estimates 2017 £2030
- MBA RIA 2017 £3041

(figures are after SFT has been deducted)

75) Despite different assumptions in respect of base year, growth rates and SFT deductions, there is a clearly significant difference in spend per head. That difference can inflate the available spend in the catchment and the available quantitative need. The fact that MBA RIA and the Economic Impact Assessment make the case that the Newry and Mourne area has high unemployment must point towards a lower spend per head.

76) SFT assumptions and growth rates for spend per head taken from Pitney Bowes is reasonable. However, there is an error in MBA RIA Appendix 3.3 Table 3 where 2019 is stated, when it should be 2018. 2019 SFT assumption is a deduction of between 22.4% and 15.4%, a mean average of 18.9% to be deducted. The 2019 post SFT spend per head on the MBA RIA figures would be £3141 and not £3158. The consequence is that MBA RIA Appendix 3.3 Table 5 would show available spend in 2019 as £383.55 million and not £385.5 million.

77) It is also surprising that no information is provided for the available spend in the ROI. We would have expected the NI/ROI spend to be distinguished in the MBA RIA.

Growth by Drive Time Band

78) MBA RIA para 4.10 indicates that the growth in the catchment equates to £21.5 million.

79) This is not correct because of the error in MBA Appendix 3.3 Table 3 and Table 4. The growth is £19.4 million as shown below.

Drive Time	2017	Spend Per Head (£)	Total Spend (£mill)	2019	Spend Per Head (£)	Total Spend (£mill)	Growth (£mill)
0-5	18568	3041	56.46	18851	3141	59.22	£ 2.76
5-10	26771		81.41	27181		85.39	£ 3.98
10-15	31202		94.88	31734		99.69	£ 4.81
15-20	43210		131.40	44327		139.25	£ 7.85
Total	121768		364.15	124112		383.55	£ 19.40

80) The growth is greater in the more peripheral drive time areas. This is shown in the above table which re-works the MBA RIA Appendix 3.3 Table 5. It can be seen that the growth in the

0-5 minute drive time is £2.76million, 5-10 minutes drive time is £3.98 million, the 10-15 minute drive time is £4.81 million and the 15-20 minute drive time is £7.85million. It should be noted that these figures adopt the MBA RIA spend per head figures, and if adjusted to the NI based figures the growth would be less.

Existing Retail Provision

- 81) MBA RIA provide limited information on the health of centres in the catchment. Some detail is provided for Newry (MBA RIA para 4.13-4.20), but this could be augmented with detailed information on vacancy rates and investment information. Banbridge is the other main town in the catchment but is assessed in two paragraphs (MBA RIA para 4.21-4.22). More detail is provided for towns that will not be affected such as Newtownhamilton. No information is provided about the nature of retailing at the Outlet/the Boulevard, presumably because it is unprotected, however, it clearly is a location that warrants discussion in terms of its health and occupancy rate, to ground the scale of turnover at the location in later sections of the MBA RIA.
- 82) In terms of the turnovers of the centres set out in MBA RIA Appendix 3.4 Table 6, MBA applies average sales density figures to the Outlet/the Boulevard, giving it a turnover of over £70 million. This is a factory outlet village where goods are sold at discounted prices. It would be appropriate to apply a lower turnover for this Centre.

Turnover of Proposal

- 83) The proposal applies average sales density to what is suggested to be a unique retail offer that will claw back trade from as far away as Belfast. Applying average sales density implies that the development will perform at an average level. The scale of investment and the suggestion of its attraction would point to above average turnovers. The applicant should reconsider the case about whether the proposal is going to perform at average rates or whether it will perform above average.
- 84) In order to support the contention that the proposal will attract trade from Belfast and Sprucefield, it would be helpful to have an indicative tenant line up and some letters of interest from prospective retailers that have a demand for such a presence in Newry. There is a potential that allowing this application will invite similar proposals elsewhere and the Council would be prudent to test thoroughly the demands of the market that will use the proposal.

Outflow and the Lucidtalk Survey

- 85) The MBA RIA Appendix 3.4 Table 6 shows that the 2019 turnover of the catchment is £397.68 million, and that available spend is £385 million. The Table indicates that there is a £12million inflow to the catchment. That implies that the catchment does not leak any trade.
- 86) As mentioned above, it is surprising that the suggestion that the proposal will draw trade from outflow is not supported by any empirical survey data that informs a market share approach.
- 87) The Lucidtalk Survey dated 12 April 2018 does not support the case that there is an outflow of comparison spending. It simply asks a preliminary question about whether people undertake non food shopping outside Newry. It categorises people within a 20mile distance of Newry City Centre. It clearly has not based the survey on the MBA RIA catchment which is based on a 20 minute drive time.
- 88) The survey question significantly missed the word 'normally'. There will always be times when people will shop outside a catchment, Christmas for example. The question should have been framed to understand the normal shopping patterns for people, and sub divided into categories of goods. The survey does not support the outflow argument to ground this application. There is no link between the MBA RIA and the survey. There is no understanding which areas of the catchment are leaking trade, to where and for what type of shopping. Given the different shopping offers at Banbridge and Belfast City Centre, a more fine-grained analysis would be required to support this application.
- 89) The question on whether people would use the proposal only achieved a positive response from 56% of people. These people understand the proposal to have 'good public transport'. As discussed there is no public transport at the proposal and the commitment is only to have discussions about diverting a bus to the site. There is no suggestion that buses will be brought to the site from Banbridge, Dromore or Dundalk.
- 90) The survey responses should have been analysed by drive time. Those 56% of people in support might be Newry residents, and the 13% that said no and 31% that said not sure, may be people that live in the periphery of the catchment and may not change their shopping patterns. If that was the case, the likely impacts of the proposal would be greater than predicted.

Summary

- 91) The case that there is an outflow of trade is not supported by the MBA RIA figures and the survey is of very limited help in assessing this proposal.

Trade Diversion & Retail Impact

- 92) Given the absence of any evidence of loss of trade or outflow, it is not credible to suggest that, as MBA RIA Appendix 3.6 Table 8 suggests 27% of trade will be drawn from outside the 20 minute drivetime catchment. Similarly, to suggest that 21% of the proposal's trade will be drawn to an unrestricted retail park from a factory outlet centre where discount end of line and end of season items are sold is not comparing like with like.
- 93) Unless the outflow case can more credibly be made, the likelihood is that greater trade diversion will occur from the Newry City Centre, because it is the closest like with like competitor. The Department diverted over 80% of the superstores comparison trade from the 5 minute drive time, 48% from the City Centre. If a similar level was diverted in this case (e.g. £28million from £152.98 million = 18.3%) it would push the impacts into the region of unacceptable harm.
- 94) However, there is significant work needed to justify any amount of retail impact. The alterations needed to the population and available spend, the changes needed to turnover of the Outlet/the Boulevard and the changes needed to the turnover of the proposal will all have an effect on the impact exercise.
- 95) The Council would be prudent to seek an updated RIA that addresses these concerns which could be agreed with the applicant before engaging in Retail Impact exercise.

Cumulative Impact

- 96) The applicant has failed to identify that the comparison element of the superstore could be built out without the industrial units if an application was allowed, and also the extant permission for the Bridgewater Park (Ref: Q/2006/1074/F) has been implemented and can be built out at any time. The cumulative impact of this development would need to be built into the retail impact exercise.

Economic Impacts

- 97) The economic benefits of the proposal will be an important consideration. However, more detailed analysis is required to be satisfied that the economic impacts are positive. The RSM Report (para 5.2 page 19) relies upon the MBA RIA findings and assumed a low displacement. Economic Impacts of the proposal are unreliable if the MBA RIA is found to need updating.

Assessment Against SPPS Para 6.290

- 98) Turning to the key test of the RIA, which is whether the proposal satisfies the criterion of SPPS para 6.290 the following can be noted:

- **the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;**

99) The impact of the proposal cannot be fully assessed. A sensitivity assessment of the proposal based on current information is likely to find the proposal unacceptable. The Council should invite the applicant to review the MBA RIA with a view to substantiating the outflow case.

- **the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;**

100) There has been one objection to the proposal – from Retail NI and one letter of support from a resident in Bangor, County Down.

- **the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;**

101) The proposal will make delivery of either the NY89 and NY90 sites more difficult. The large out of town retail park could soak up all available retail growth over the coming years and for perhaps the next 5 years.

- **the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.**

102) The proposal is unlikely to harm the diversity of Newry as it seeks to introduce more multi-national retailers.

- **Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area;**

103) The cumulative impact of the proposal has not been assessed with the Bridgewater Park development. It should be as it is likely to squeeze the catchment, reduce potential available retail growth for the proposal and will potentially increase impacts.

- **a review of local economic impacts.**

104) The local impacts have been noted but need to be reviewed in light of the changes to the MBA RIA.

11) Conclusion

105) To put the Council in a position to assess this application in detail it would require the applicant to update the supporting information. It is a matter for the applicant, but it would be our view that:

1. If the outflow case is to be promoted, there is a need for a detailed household survey to inform the RIA. That must be linked to the catchment and must be transparent in its methodology and results;
2. The catchment should be justified properly using survey information;
3. The Need case needs to be updated to be proportionate to the proposal and should address the requirements of policy;
4. The Sequential Assessment should reflect the proposal that is needed and rigorously assess the key alternatives in the City;
5. The Retail Impact should:-
 - a. be up dated in design year;
 - b. the spend per head should be tailored towards the catchment affluence;
 - c. spend per head and available spend distinguished between NI and ROI spend;
 - d. available spend should be provided based on zones and isochrones;
 - e. turnover of proposal should be reviewed in light of above;
 - f. turnover of the Outlet/Boulevard should be reviewed;
 - g. centres where impact occurs should be health checked and predicted impacts reviewed based on likelihood given distance and travel routes;
 - h. cumulative impact should be addressed.

APPENDIX 5. Employment Lands Newry City

Settlement	Location (Zoning Ref)	Area zoned for industry (Ha)	Area developed for industry (Ha)	Area lost/developed for non-industry (Ha)	Area Vacant (Ha)	Area remaining undeveloped (Ha)
Newry City	Carnbane North (NY62)	2.28	0	0		2.28
	Carnbane/Cloughanramer Road (NY63)	52.38	0.67	0		51.71
	Carnbane Road/Tandragee Road (NY64)	2.89	0	0		2.89
	Carnbane Business Park (NY65)	21.65	19.02	0.34		2.29
	Carnbane South (NY66)	3.95	2.98	0		0.97
	Craigmore Road (NY67)	11.3	0.63	0.36		10.31
	Damolly (NY68)	2.86	0	0		2.86
	Chancellors Road (NY69)	19.46	0.61	0.47		18.38
	Loughway (NY70)	7.28	4.04	0.12		3.12
Total						94.81

APPENDIX 6. Statutory Consultee Responses.

- **Newry, Mourne & Down Environmental Health.** No objections subject to planning conditions.
the following conditions;
 1. Deliveries and collection by commercial vehicles shall only be made to and from the site between the hours of 0700 hours and 2300 hours.
 2. No development shall take place until a Construction Management Plan for Noise Impact and Dust from Earthworks has been submitted and agreed with the Department. The Construction Management Plan should include methods to minimise the risk of noise and dust nuisance during the construction phase.
 3. No construction activities shall be undertaken within the development hereby permitted, until a Generic Quantitative Risk Assessment (GQRA) and if necessary a Detailed Quantitative Risk Assessment (DQRA) have been undertaken to ascertain the potential risks to future site users. The development hereby permitted shall not be occupied until the mitigation measures as presented within a detailed remediation strategy and implementation plan have been fully implemented and verified to the satisfaction of Newry Mourne and Down District Council.

- **DfC. Historic Environments Division Archaeology and Built Heritage (HED: HM).** HED HM is satisfied with the contents of the Cultural Heritage Section of the ES and has no objections in terms of the impact on Newry Canal, a protected monument subject to the following conditions being implemented.

1. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

2. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

3. A fence is erected on a line to be agreed with HED: HM, at least 5m from the edge of the scheduled area of the Newry Canal. No ground works, dumping or storage is to be carried out within the fenced areas.

Reason: to ensure the protection of the scheduled area

- **DAERA Planning Response Team. Water Management Unit (WMU), Land Soil and Air, Natural Heritage and Conservation Areas**

Water Management Unit has no objections subject to mitigation.

Land, Soil & Air has no objections subject to the following conditions being imposed;

1. No development shall commence until the applicant has submitted a detailed waste management plan for the development. The

management of on-site materials, temporary on-site storage arrangements, waste classification, reuse criteria (where appropriate) and off-site disposal should be included in the waste management plan.

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

2. All fuel storage tanks and boilers (and associated infra-structure) must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Conditions 3 and 4 will apply.

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

3. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

4. After completing the remediation works under Conditions 3 and 4; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and

monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

5. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

Natural Heritage has no objections subject to the following conditions

1. A final Construction Environmental Management Plan and finalised layout design should be submitted for agreement to the Planning Authority prior to works commencing. This should include a finalised storm water and drainage plan and reflect all the mitigation, and avoidance measures to be employed as outlined in the Environmental Impact Assessment; Chapters 7 (Flooding and Drainage), Chapter 8 (Contamination) Chapter 9 (Ecology), Appendix A (Flood Risk and Drainage Assessment), Appendix 6 (Preliminary Risk Assessment), Addendum 1; Appendix 1 (Shadow HRA), 2 (GQRA), 3 (Construction Management Plan), 4 (Stormwater Management Plan) and all additional submitted information.
Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.
2. A suitable buffer of at least 10m must be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing

areas, storage of machinery/material/spoil etc. and the Newry River to the east and the Newry Canal to the west of the proposed application site.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

No development shall commence until the applicant has submitted a detailed Waste Management Plan for the development. The management of on-site materials, temporary onsite storage arrangements, waste classification, reuse criteria (where appropriate) and off-site disposal should be included in the waste management plan.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

4. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

5. After completing the remediation works and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

- 6 No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

- **DAERA Shared Environmental Services.** No Objection. Subject to conditions. The proposal will not have an adverse effect on the integrity of any European site.
- **DfI Rivers Agency.** No objections. It is content with the contents of the Drainage Assessment in relation to policies FLD1, 2, 3 and 4 of PPS15. The site is within the catchment of a reservoir, Camlough Lake, in relation to Policy FLD5. Rivers Agency is satisfied that the applicant has applied the correct methodologies in its assessment.
- **Loughs Agency.** No objections subject to informatives on the implementation of measures to protect the aquatic environment.
- **DfI Transport NI.** No objections
- **NI Water.** No Objections.

CLYDE SHANKS

Planning Development

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FAO: Andrew Davidson
Planning Department
Newry, Mourne & Down District Council
Monaghan Row
Newry
BT35 8DJ

BY EMAIL & POST

30th September 2019

Our ref: MEE1008
E: conor@clydeshanks.com

Dear Mr Davidson,

HOLDING OBJECTION TO PLANNING APPLICATION – LA07/2017/0542/F

**RETAIL PARK WITH ANCILLARY COFFEE SHOP/RESTAURANT UNITS (SUPPORTING STATEMENT APRIL 2019),
FORMER CUSTOM HOUSE AND CLEARANCE STATION, CARNBANE WAY, CARNBANE INDUSTRIAL ESTATE,
NEWRY BT35 6QG**

We wish to place the Council on notice that Clyde Shanks intend to submit a detailed formal objection on behalf of our client Mr Colm Meehan of Fiveways Shop & Service Station to the abovementioned planning application received by Newry, Mourne & Down Planning Department on 22 March 2017.

There are a number of concerns that we will raise in further detail however these relate to:

- Lack of information submitted in support of the application;
- Loss of existing / proposed industrial land;
- Adverse impact on established retail services in Newry City Centre;
- Proposed use incompatible with extant zoning and non-compliance with condition following previous approval; and
- Inadequate Retail Impact Assessment (RIA)

It is anticipated that a formal objection will be submitted within 1 week of the date of this letter, we would be grateful if acknowledgement of same could be received.

Yours Sincerely,



CLYDE SHANKS

Conor Cochrane
Senior Planner

TLT NI LLP

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Our ref 301R/SM49/097716/2
Your ref LA07/2017/0542/F



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Planning Department
Newry Mourne and Down District Council
Monaghan Row
Newry
BT35 8DJ

Direct tel 0333 006 0967
Direct fax 0333 006 0611

Date 9 October 2019
Email Andrew.Ryan@TLTsollicitors.com

Dear Sirs

Holding Objection to planning application LA07/2017/0542/F

Retail park with ancillary coffee shop/restaurant units at former HM Revenue Customs Custom House and Clearance Station, Carnbane Way, Carnbane Industrial Estate

We refer to the above matter and place the Council on notice that we intend to submit a detailed formal objection on behalf of a commercial business within Newry. This correspondence accompanies a request for speaking rights at the Planning Committee on Wednesday 16 October 2019.

Our client's concerns primarily relate to (but are not limited to) the following:

- Non-compliance with the local development plan and planning policy;
- Lack of information provided and speculative nature of development;
- Inadequacy of the Retail Impact Assessment;
- Non-compliance with conditions attached to previous approval.
- Outdated consultee responses

A detailed objection letter will be submitted by Friday 11 October 2019.

Many thanks for your attention.

Yours faithfully

TLT NI LLP

Andrew Ryan
Partner
for TLT NI LLP

Speaking Rights Submission – LA07/2017/0542/F - Retail Park with ancillary coffee/shop restaurant units

Former H M Revenue & Customs Custom house and clearance station Carnbane way Carnbane Industrial Estate Newry BT35 6QG

I write with significant concern that the above application has been included to be presented to Planning Committee, given that it is incomplete and that there are notable omissions in the applicant's information, as highlighted in the Development Management Report (DMR).

The Planning Officers have requested this additional information under Article 3 (6) of the Planning (General Development Procedure) Order (NI) 2015, but it had not been supplied by the applicants, as they know they cannot overcome the reasons for refusal.

I would state that Retail NI fully support the Planning Officers position to refuse the application, as the only sound, logical and lawful decision that can be reached.

Any other decision will result in well-founded concerns regarding pre-determination, as there is nothing on the other side of the scales to support the application.

This proposal is completely unrealistic, illogical and highly speculative in nature. You will note our previous holding objection on behalf of Retail NI and the points raised therein.

Given the significant and fundamental flaws with the application, it was decided to wait to see how these deficiencies were addressed by the applicant, before wasting further time and resources on the "Carnbane White Elephant".

Connection with the Superstore Proposal – P/2009/0163/F

The superstore proposal was granted permission for an 8,000sqm net food superstore (Circa £40m turnover) the 70 industrial/business units were a significant deciding factor in the Ministers decision to grant permission and off-set the acknowledged harm to Newry City Centre.

The importance of these units is confirmed by Condition 2 & 3 attached to this permission, in other words they came immediately after the Time Condition, such was their importance they went to the heart of P/2009/0163/F.

We now have a proposal that wants to "double up" and have both superstore and unrestricted comparison retailing amounting to an eye watering 24,836sqm of retail floorspace at an out of town location, within an LLPA and on zoned industrial land. In the absence of any robust and supporting evidence there is only one outcome.

There is no commentary on the status of the superstore proposal nor am I aware of any CLOPUD, as to whether it has lawfully commenced.

However, I note that in the earlier MBA document at paragraph 5.2 stated "*The proposal and the superstore therefore cannot co-exist and a separate planning application for a reduced format superstore is intended to be submitted by the applicant on that site in the future*".

Previously it was identified that there was not enough expenditure to support the food superstore proposal, let alone the cumulative expenditure required to prop up the two proposals in-combination.

I note and agree with the Inaltus assessment highlighting that it will take 18 years for spending growth to support this proposal. It is simply a ludicrous situation.

Local Development Plan

The first document for any consideration is BNMAP 2015, as we are now in a plan led system.

The proposal does not comply with Section 6 (4) of the Planning Act (Northern Ireland) 2011, which states that determination under this Act must be made in accordance with the local development plan (LDP), unless material considerations dictate otherwise.

The proposal does not comply with Economic Zoning NY68, Retail Zonings NY75 and NY76 and DOS Zoning NY90 and the applicant has not presented any material considerations to outweigh the non-compliance with the plan or potential for widespread precedent this decision would set by running contrary to numerous zonings in the absence of any robust evidence.

Given the non-compliance with the LDP and when considering the size and scale of the application (16,836sqm) and the cumulative effects with the superstore (8000sqm) proposal, along with the significant shortfall in expenditure to support either proposal.

This proposal will have significant implications for Newry City Centre and the emerging LDP, as in effect no other retail floorspace could be permitted anywhere within the catchment beyond the life of the new Plan (2030), as there would be no available capacity given the expenditure levels both now and in the future. Irrespective of the timetabling of the new LDP there is a prematurity issue, as per the direction of paragraph 5.73 of the SPPS and any decision to support this application, will render the emerging Plan as a completely pointless exercise on retail matters.

SPPS & Retail Impact Assessment

We fully agree with the comments of Inaltus Planning, who are recognised retail planning experts in Northern Ireland, with Mr Loughery having been involved with several proposals in Newry.

The applicants have not demonstrated a quantitative or qualitative need for the proposal. Indeed, no operator is interested in the superstore proposal or the retail units. There is simply no need for either proposal.

The proposal has always sought to intercept or divert trade from Newry City Centre given its proximity to the Strategic Road Network and clearly if there is not sufficient expenditure to support the proposal then this will clearly be diverted from existing stores in closest proximity e.g. Newry.

The sequential assessment is not a test of perfection. This is reinforced by paragraph 6.289 of the SPPS where it states that;

"Flexibility may be adopted in seeking to accommodate developments onto sites with a constrained development footprint.....Applicants will be expected to identify and fully

demonstrate why alternative sites are not suitable, available and viable

Taking account of the lack of retailer requirements as the proposal is completely speculative. The size of the proposal is a deliberate and pathetic attempt to "drive a coach and horses" through the sequential test. Unfortunately, such an approach to alternative sites is self-serving and fails to connect with the lack of need for the proposal.

The Solis retail impacts are well above those considered to be reasonable to withstand on protected centres (12%) the cumulative (in-combination) impacts are some of the largest I have witnessed in 12 years of retail planning. In, short, Newry City is finished if this proposal proceeds and there are no tangible benefit to any public interest that could be argued or demonstrated. Any claims of new jobs are a fallacy none have been produced since the superstore approval in 2014. Any employment will be displaced from Newry City Centre or protected centres and there is a total lack of detail or any degree of realism in the proposition.

I would conclude by stating the following;

- The previous Council did not support the granting of permission P/2009/0163/F.
- The applicant needs to be clear as to whether they are going to permit revocation of P/2009/0163/F in exchange for this new proposal;
- If the applicant is indeed pursuing both applications, then taking account of the significant failings of the application - lack of robust data/evidence, impact on the LDP and new LDP as well as regional policy contained within the SPPS, the Department for Infrastructure should be informed of any contrary decision.

Speaking Note in Support of LA07/2017/0542/F

LAURENCE BREEN:

- Thank you for the opportunity to present to the Committee.
- My name is Laurence Breen. I'm a local developer, active in Newry and the wider area for a number of years now and we've delivered a number of successful projects during that time.
- I'm joined by some members of the project team for the proposal, who are here to answer any questions. Martin Kelly from Gravis Planning, our planning consultant; Stewart Beattie QC, Senior Counsel, Declan Mackin, our economics consultant from RSM UK; and Mike Prentice, our property consultant.
- A private investment of £100 million.
- Generate in the region of £1.5 million a year in rates for this Council.
- Creation of 700 construction jobs and over 1000 operational jobs.
- Newry's strategic location is attractive, but only if the right facilities are in place.

MARTIN KELLY:

Thanks, Laurence. I'd like to quickly take the Committee through a few of the key planning considerations on this application – I'll try to be brief while covering all the main points.

In short, we believe that the reasons for refusal brought forward by the planning officer are unsustainable and have all been addressed in our planning submission.

The officer states that the proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland saying it is contrary to the Banbridge Newry and Mourne Area Plan 2015 as it is outside the Primary Retail Core and the City Centre boundaries. However, on this point, the Development Plan actually says *"Retail parks, retail warehousing and other forms of shopping are part of the retail landscape and are often found outside of town centres. Any new facilities maybe be considered in the context prevailing regional policy"*. It's important for the Committee to note that the development plan is not regional policy; meaning it doesn't provide the operational regional policy for new retail development. Therefore, it is not contradicted by this proposal.

The planning officer claims that we haven't adopted a *"town centre first approach"* as required by the SPPS. I would draw members' attention to the extensive supporting information submitted with the application, which shows that we considered a total of 60 (six zero) town centre sites throughout the proposal's entire catchment area. None of these sites are available as suitable and viable sites for this proposal. Therefore, it is clear that a thorough town centre first approach has been adopted in accordance with all relevant policy.

The officer's report states that we haven't demonstrated that the proposal will not have a significant adverse impact on a number of issues, including; retail traders and town centres within the catchment, on existing committed and planned investment and investor confidence in town centres, on planned or allocated sites and the Local Development Plan strategy and the vitality and viability of existing centres including when taken cumulatively with committed and planned development within the city centre and wider area.

This is simply not the case. All of these matters have been addressed in our submissions. The retail impact of the proposal has been assessed on all town centres in the catchment area and the impacts are considered to be within acceptable levels. There is absolutely no evidence to suggest that the proposal will have any adverse impact on existing and planned public and private sector investment, nor that it will impact investor confidence in the town centres.

The officer states that the proposal is contrary to planning policy due to the loss of land zoned for existing and proposed economic development use and lands in the development plan. When considering this application, I would remind members that planning procedure clearly allows flexibility when considering a firm proposal for an alternative use on economic development land that outweighs the option of retaining economic development land. In this case, you have a firm proposal for an alternative use which will bring substantial economic benefits on lands which will otherwise remain undeveloped. Therefore, the Committee is well within its rights to support this application, in line with planning policy.

Finally, the officer's report clearly states that there is a significant amount of remaining undeveloped employment lands in Newry. The report accepts that this proposal, if approved in conjunction with the associated planning application for employment use, would not lead to an unacceptable reduction in employment lands. Even without the separate planning application for employment use, it is clear that development of the Newry City Retail Park will not result in a significant reduction in employment lands. This is a firm proposal bringing substantial economic benefits and resulting in no significant diminution of the economic land resource, which should outweigh the retention of the land solely for economic development use. This proposal is in itself a major employment generator and therefore is a major economic use for the site, making sensible use of land that is aimed at generating employment – precisely what this proposal will do.

Draft conditions have been made available for Committee Members to include in any approval.

I will now pass you on to Stewart, our Senior Counsel.

STEWART BEATTIE:

Will cover the below three points:

PP54 - incompatibility of uses. It is clear that this site would not be suitable for industrial use given the proximity to existing pharmaceutical and residential development.

The points set out at 6.15 of the officer's report relate to differences of professional judgement. Not a matter of legality but a matter of planning judgment.

Query the diversion figures put forward as the most likely by the Council's expert. There is no evidence to support the 60% diversion, therefore the figures are not borne out.

LAURENCE BREEN:

- In summary, significant level of investment, job creation, and rates returns associated with the scheme - £100 million, 700 construction jobs and over 1000 operational jobs and £1.5 million annual rates return
- Economic benefits of this proposal far outweigh any of the concerns raised by the officer, and I would respectfully request that the Committee approves the planning application on that basis.
- This development will provide a huge economic boost to Newry and the surrounding area – especially at a time of significant uncertainty with Brexit and the absence of the Executive.
- A vote of confidence in the city that shows it's open for business
- Happy to answer any questions from the Committee or provide any clarity required.

Appendix 1 – Draft Conditions, LA07/2017/0542/F

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. No development shall take place until a Construction Management Plan for Noise Impact and Dust from Earthworks has been submitted and agreed with the Department. The Construction Management Plan should include methods to minimise the risk of noise and dust nuisance during the construction phase.

Reason: In order to protect nearby amenity.

3. No construction activities shall be undertaken within the development hereby permitted, until a Generic Quantitative Risk Assessment (GQRA) and if necessary a Detailed Quantitative Risk Assessment (DQRA) have been undertaken to ascertain the potential risks to future site users. The development hereby permitted shall not be occupied until the mitigation measures as presented within a detailed remediation strategy and implementation plan have been fully implemented and verified to the satisfaction of Newry Mourne and Down District Council.

Reason: In order to protect nearby amenity.

4. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

5. No development shall commence until the applicant has submitted a detailed waste management plan for the development. The management of on-site materials, temporary on-site storage arrangements, waste classification, reuse criteria (where appropriate) and off-site disposal should be included in the waste management plan.

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

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

6. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments

should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

7. A final Construction Environmental Management Plan and finalised layout design should be submitted for agreement to the Planning Authority prior to works commencing. This should include a finalised storm water and drainage plan and reflect all the mitigation, and avoidance measures to be employed as outlined in the Environmental Impact Assessment; Chapters 7 (Flooding and Drainage), Chapter 8 (Contamination) Chapter 9 (Ecology), Appendix A (Flood Risk and Drainage Assessment), Appendix 6 (Preliminary Risk Assessment), Addendum 1; Appendix 1 (Shadow HRA), 2 (GQRA), 3 (Construction Management Plan), 4 (Stormwater Management Plan) and all additional submitted information.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

8. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

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

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

10. After completing the remediation works under Conditions 3 and 4; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

11. Deliveries and collection by commercial vehicles shall only be made to and from the site between the hours of 0700 hours and 2300 hours.

Reason: In order to protect nearby amenity.

12. A fence is erected on a line to be agreed with HED: HM, at least 5m from the edge of the scheduled area of the Newry Canal. No ground works, dumping or storage is to be carried out within the fenced areas.

Reason: to ensure the protection of the scheduled area.

13. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

14. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Land, Soil & Air Reason: Protection of environmental receptors to ensure the site is suitable for use.

Environmental Health Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

15. All fuel storage tanks and boilers (and associated infra-structure) must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Conditions 3 and 4 will apply.

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

16. A suitable buffer of at least 10m must be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the Newry River to the east and the Newry Canal to the west of the proposed application site.

Reason: To prevent any adverse impacts on the site features and conservation objectives of Carlingford Lough SPA/Ramsar.

17. All services within the development should be laid underground.

Reason: In the interests of visual amenity.



Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**

**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2019/0830/O

Date Received: 22nd May 2019

Proposal: Erection of 2no infill dwellings

Location: Land NW of 11 Wateresk Road, Dundrum



Proposed site location

Site Characteristics & Area Characteristics:

The application site is located on an open agricultural field accessed via a laneway off the Wateresk Road in Dundrum. The access laneway runs parallel to an adjacent lane which it appears to have been opened up to join and runs through the site of no.11 Wateresk Road. The site is fairly flat in topography although begins to decrease in level to wards the rear west of the site. There is tree coverage to the western boundary of the site. The eastern boundary is denoted by a post and rail fence and some hedging which runs alongside the laneway. There is additional hedging along the northern and southern boundary. The southern boundary of the site separates the application site from a new build to the west of no.11 Wateresk Road. The eastern boundary of the site separates the site from no.7b Wateresk Road.

The site is located in the countryside and not within any defined settlement limits as designated in the Ards and Down Area Plan 2015. The surrounding land is predominantly agricultural in use and rolling drumlin type topography.

Site History

No site specific history however there is history relating to the adjacent sites:

LA07/2017/0056/O - GRANTED 02.06.2017

Mr F Flannagan

Single dwelling in Infill site adjacent to 7B Wateresk Road, Dundrum

LA07/2015/0917/F GRANTED 30.11.2015

Mrs Clare Kelly

Change of house type in substitution of R/2004/0077 for a single dwelling adjacent to 11 Wateresk Road, Castlewellan

R/2010/0038/F GRANTED 03.06.2010

Mr Leo Flannigan

Proposed new dwelling adjacent to 7A Wateresk Road Dundrum

R/2007/1249/F GRANTED 07.02.2008

Mr & Mrs L Flanagan

Proposed sunroom extension & bedroom extension to provide disabled accommodation at 7a Wateresk Road, Dundrum

R/2006/0698/F GRANTED 01.06.2009

Mr Hugh Flanagan

Conversion and extension of outbuildings to self-catering holiday apartments and associated site works buildings adj to 11 Wateresk Road, Dundrum

R/2006/0564/F GRANTED 13.04.2007

Mr Eugene Flanagan

Retrospective application for dwelling and garage as built adj to 11 Wateresk Road, Castlewellan

R/2004/2141/O WITHDRAWN 15.12.2005

Mr Sean Gaughan

Two Storey Dwelling adjacent to 7B Wateresk Road, Dundrum

R/2004/0077/F GRANTED 28.01.2005

Ms Claire Flanagan

Erection of new dwelling adjacent to 11 Wateresk Road, Castlewellan

R/2002/0001/F GRANTED 26.03.2002

Mr Hugh Flanagan

New dwelling adjacent to 11 Wateresk Road, Wateresk, Dundrum

R/2001/0449/O REFUSED 19.09.2001

Mr Hugh Flanagan

Bungalow at 11 Wateresk Road, Dundrum, Newcastle

R/2001/1298/F WITHDRAWN 03.12.2001

Mr Hugh Flanagan

New dwelling adjacent to 11 Wateresk Road, Wateresk, Dundrum

R/1977/0814 WITHDRAWN 30.01.1978

Historical Application 3

Cottage at Wateresk, Dundrum

Planning Policies & Material Considerations:

The site is within the countryside and will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21: Sustainable Development in the Countryside, PPS3 Access Movement and Parking as well as PPS2 Natural Heritage. Planning guides such as Building on Tradition Design Guide, DCAN 15 Vehicular Access Standards, Parking Standards will also be considered.

Consultations:

NI Water Ltd – have responded with standing advice which set out conditions which should be imposed with any permission granted.

DFI Roads – DFI Roads have responded with no objections in principle to the proposal. They have set out advice for the reserved matters application.

Historic Environment Division - HED Historic Monuments has assessed the application and based on the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Objections & Representations

4 Neighbours were notified on 05.06.2019 which expired on 19.06.19. A further neighbour was identified and notified on 28.06 which expired on 12.07.2019. The application was advertised on 12.06.2019 which expired on 26.06.2019. No objections were received.

1 letter of support has been received.

Consideration and Assessment:

The proposal is an outline application for 2no infill dwellings within the countryside, Policy CTY1 of PPS21 identifies a range of development considered acceptable in principle within the countryside that will contribute to the aims of sustainable development. One such avenue is the development of a small gap site within an otherwise substantial and continuously built up frontage in keeping with Policy CTY8 Ribbon Development.

Policy CTY8 Ribbon Development provides an exception to facilitate the infill of a small gap site. The policy identifies the small gap as sufficient to accommodate a maximum of 2 dwellings within an otherwise substantial and continuously built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets other planning and environmental criteria. The policy provides further definition which clarifies that a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The Strategic Planning Policy Statement (SPPS) does not conflict with policy relating to the development of infill sites within the countryside.

The site proposed is accessed from the Wateresk Road through a private lane which serves no 7b, No 7c and No.11 Wateresk Road. No.11 has also a separate laneway serving it from the Wateresk Road. The eastern boundary of the application site is shared with 7b Wateresk Road. This property which has a large curtilage which also contains an ancillary building set back and to the rear of the curtilage. Both dwelling and ancillary building are served by a single access onto the laneway. No.7b and its ancillary building have frontage onto the laneway. The southern boundary of the site

is shared with No 7c Wateresk Road which is a detached dwelling within a large curtilage. The northern and western boundaries of the No.7c are shared with agricultural fields. No.7C adjoins the laneway through an access point. No part of the curtilage of the dwelling at 7c provides a frontage to the laneway. Therefore for the purposes of policy this property at No.7C does not have a frontage onto the laneway. Similarly, No11 does not have a frontage to the laneway.

It is not possible to define a substantial and continuously built up frontage of 3 buildings along this laneway, only No7B and its ancillary building provide frontage to the laneway. No 7d at the road front, has dual frontage to the lane and the Wateresk Road, there is however a considerable visual break between No.7d and No.7b, therefore No.7d cannot form part of a continuous frontage.

Therefore, for the purposes of policy CTY 8 there are only 2 buildings sharing a common frontage along the laneway namely No.7b and its associated outbuilding. There is no substantial and continuous built up frontage. The examination of the proposed infill site in terms of its respecting the development pattern along the frontage in terms of size, scale, siting and plot size is somewhat meaningless given there is no only 2 buildings fronting onto the laneway at No.7b.

The proposal must also be considered against CTY14 Ribbon Development. The proposed development would result in the creation of a ribbon on development along the laneway and is therefore contrary to this policy.

Recommendation

A recommendation to Refuse is offered.

Refusal Reason:

The proposed development would fail to comply with the SPPS, PPS21, Policies CTY1 CTY8 and CTY14 in that there is not a substantial and continuously built up frontage at this location therefore the proposal would result in the creation of ribbon development and impact on rural character by reason of suburban build-up.

<p>Case Officer Signature:</p> <p>Date:</p>
<p>Appointed Officer Signature:</p> <p>Date:</p>



Reference	LA07/2019/0830/O
Location	Land NW of 11 Wateresk Road, Dundrum
Proposal	Erection of 2no infill dwellings

Response to Refusal Reasons

The council stated that the dwelling at 7c Wateresk Road does not have a frontage to the lane, it does however adjoin the lane through an "access point". This precedence has been set out in appeal case 2018/A0133 to demonstrate that the difference between an access point and a laneway are irrelevant. The case officer stated that the frontage which the site had was merely an access to the site however the commissioner stated:

"Although the spur road is no longer used by through traffic it is still a road or at least a private lane."

The opinion of the Case Officer on this issue was overturned by the PAC and this helps reinforce our argument that although the frontage is defined as an access point, it still demonstrates laneway frontage, which would satisfy policy.

It is also worth noting that the previous approval under LA07/2015/0917/F shows the red line of 7c Wateresk Road abutting the laneway, benefiting from frontage to the laneway.

The PRONI map shows that laneway running through number 11 Wateresk Road, used to be an active laneway. The above appeal case stated that although the road is no longer in use, it is still a road or at least a private laneway. This would mean that the garage at 11 Wateresk Road shares a frontage onto the laneway.

The average plot size within the area is 0.31ha.(No7b- 0.29ha., No7c- 0.48ha., No11- 0.16ha.). The average of the proposed plot sizes will be 0.26ha. The average frontage within the area measures approx. 26.5m(No7-47m, No7c- 6m) the proposed average frontage would measure 17.5m, again this is deemed acceptable. These variants in plot sizes and frontages are reinforced by the appeal decision 2018/A0239. The commissioner allowed a variance in both frontage and plot size. The frontage measured 48m compared to the average of 64m. The council had also stated that the plot size was larger than that found within the area. The commissioner stated *"I do not consider the variance in the road frontage or the overall size of the site to be a determining factor in this instance taking account of the wider pattern of development in the area which offers a variety of plot sizes and road frontage width"*





Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference:	LA07/2019/0019/F
Date Received:	20th March 2019
Proposal:	Proposed agricultural building, hard standing and all associated site works
Location:	Approx 150m NW of 5 Church Road, Crossgar



Site Characteristics & Area Characteristics:

The site is comprised of a 0.2-hectare portion of land cut out of a larger field which is currently used for agricultural grazing. The site is defined by mature vegetation along the south eastern and south western boundaries while the northern boundary is currently undefined. Church Road is noted to slope steadily upwards in the southerly direction from The Craig Road.

The topography of the surrounding area is typically undulating, and it is noted that the area is predominantly agricultural in use, however, there are a number of detached single dwellings and farm holdings dispersed throughout the area.

Site History:

There is no previous history on this site for this type of application.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the rural area outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – the business has claimed BPS / AES in last 6 years but on the application site

Rivers – No objections

Objections & Representations

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

Consideration and Assessment:

The proposal seeks full planning permission for the erection of an agricultural building, hardstanding and all associated works.

The agricultural building will have a proposed floorspace of 232sqm. It will have a maximum ridge height of 4.8m and will be finished with dark green profiled cladding with clear panels to the roof, with dark green ventilated cladding and smooth concrete finish to the walls.

The building will be positioned immediately adjacent the roadside boundary of the site and the adjacent agricultural gate to the field.

The applicant has advised that the site is comprised of recently purchased land which has been added to his farm holding. These lands are detached from the main farm buildings on Abbeyview Road.

In consideration of this proposal the Strategic Planning Policy Statement (SPPS) sets out the transitional arrangements that will operate until the Council has adopted a plan strategy for the whole of the council area. During this transitional period the planning authority will apply the SPPS and the retained planning policy statements.

Under Policy CTY1 of the retained PPS21 agricultural and forestry development will be granted where it meets the criteria of CTY12.

CTY 12 states that the development must occur on an active and established agricultural or forestry holding and demonstrate that

- (A) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (B) In terms of character and scale it is appropriate to its location
- (C) It visually integrates into the local landscape and additional landscaping is provided as necessary
- (D) It will not have an adverse impact on the natural or built heritage; and

- (E) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In assessment of these criterion it is noted that the farm holding as identified on the P1C is active and established, however, DAERA have noted that the site was not claimed by any business in 2018 and by two other businesses prior to 2018. The applicant / agent has addressed this issue by stating that the site is recently purchased land which is will be formally placed within the farm holding during the next SAF submission May 2019.

In terms of the visual impact of the proposal, it is considered that the building is of character and scale that is appropriate to its location and would visually integrate into the local landscape given the mature boundary vegetation.

It is considered that the building would not have an adverse impact on the natural or built heritage nor detrimentally impact on the amenity of neighbouring residential dwellings – No 5 Church Road is approximately 100m from the proposed site.

As the proposed building is located on land away from the existing farm buildings, the exceptional test is engaged which requires the applicant to demonstrate that the building

- Is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

In support of whether the proposed buildings are necessary for the efficient use of the farm holding, the agent has advised that the main farm group is located at 53a Abbeyview Road as indicated on the farm maps and P1c and consists of 8.5 hectares of ground along with existing farm and agricultural buildings. The proposal site is located approximately 5.5m from the main buildings and forms part of a 10-hectare parcel that has been recently purchased for grassing and silage. There are no buildings at Church Road and therefore the applicant / agent considered that a new building is necessary for the efficient use of the holding as the area constitutes more than half of the area on the agricultural holding. The agent states that it would take 3 people all day to move the animals as only 3 cattle can be moved in a trailer at one time.

In consideration of this information, while I note that the site is located 5.5m away from the main farm holding, the applicant purchased this land knowing its distance from the main holding and perhaps the challenges this might entail. This however, does not provide sufficient justification for a building at this location. In addition, while a building on this site may be useful to the applicant, it has not been demonstrated sufficiently that it is essential for the efficient functioning of the business

The proposal is therefore contrary to Policy CTY 12 of PPS 21.

Recommendation

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the buildings, if permitted, are not considered necessary for the efficient use of the agricultural holding and would not integrate into the local landscape.

Signed

Date

Signed

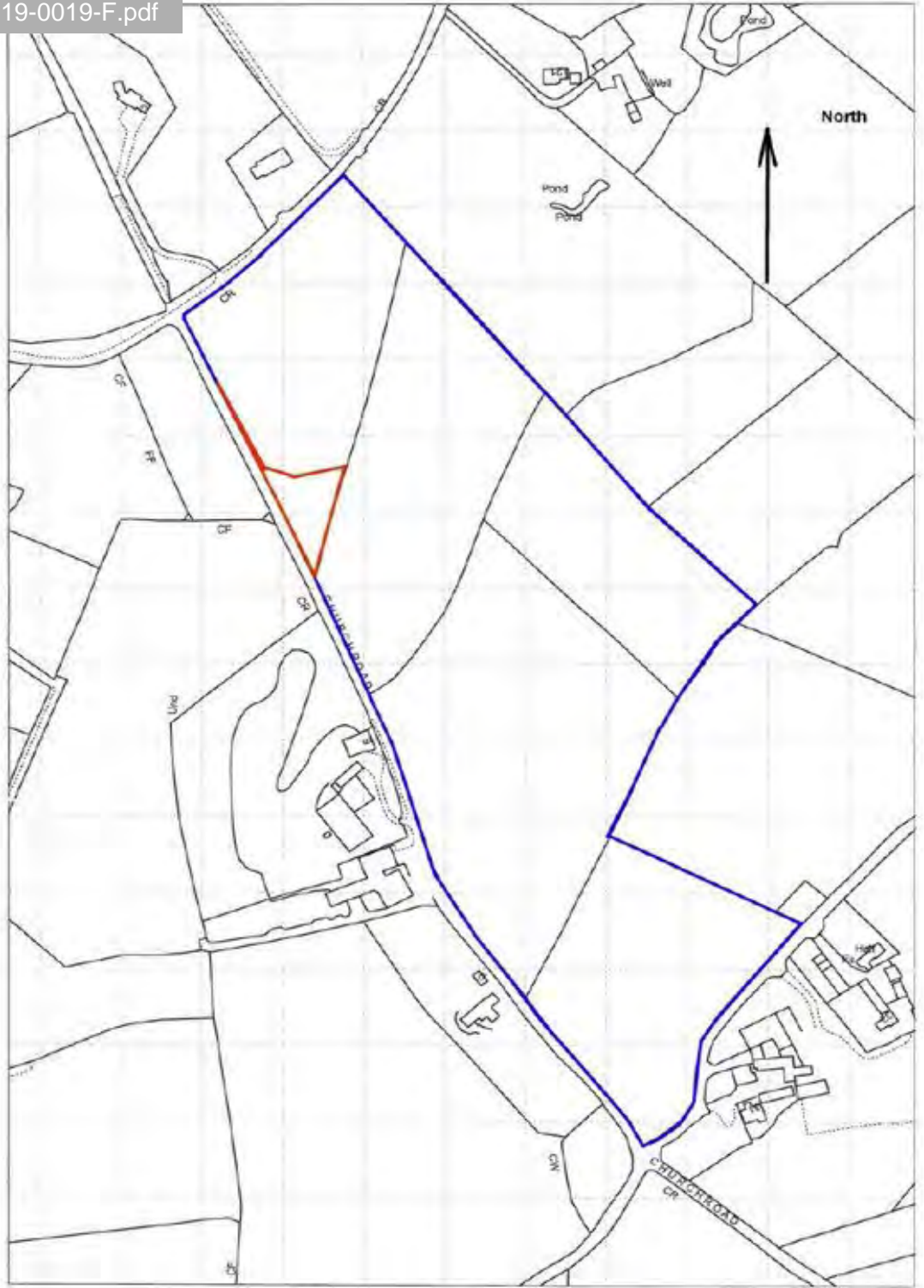
Date

LA07/2019/0019/F

Approximately 150m North West of the junction of
5 Church Road, Crossgar

Proposed agricultural building, hardstanding and all
associated site works





Site Location



Field Boundaries
 Verified
 Unverified, Unclear
 Field to be deleted
 Ineligible Features

0 50 100 200 300 400 500 Metres
 Scale: 1:5,000
 Printed: 15/10/2014
 Photo Date(s): 21/05/2012
 DARD maps do not convey legal ownership

Existing Farm Holding located at 53A Abbeyview Road

- ▶ **The applicant has an active and established farm business since 19/11/1991, as accepted by DAERA (>6years)**
- ▶ **The farming enterprise is the breeding of beef cattle, suckler's and horses**
- ▶ **The farm holding is split into two parcels of land totalling 18.5 hectares - 8.5 hectares and 10hectares**
- ▶ **The main farm group is located at 53A Abbeyview Road (8.5 hectares) with existing buildings**
- ▶ **This is 5.5miles away from the application site and adjoining fields (10 hectares).**
- ▶ **There are no existing buildings/facilities at this location for animal husbandry/welfare, isolation, pest control.**
- ▶ **It would take 3 people all day to move the animals from Abbeyview Road, which is not efficient or productive**
- ▶ **Movement of livestock over such a distance could prejudice their viability of animals if they are pregnant, sick or injured.**

Google Maps

5 The Craig Rd, Downpatrick BT30 9BE to 53A Abbeyview Rd
Abbeyview Rd

Drive 5.4 miles, 11 min



- ▶ **The policy test is not a test of perfection**
- ▶ **It is a consideration of whether it would be necessary for the efficient use of the farm holding**
- ▶ **Productivity and profitability are material considerations, along with the safety and animal welfare.**
- ▶ **The building is essential for the wintering of animals, storage of feeds, provision of parasite control - TB testing, vaccination and welfare of animals in accordance with the legislation.**
- ▶ **It is not practical, safe or efficient to move pregnant or sick animals, machinery and feeds back and forth 5.5miles from the main farm group at Abbeyview Road.**
- ▶ **These were the only lands available to the applicant to purchase to enable the expansion of his farm enterprise.**
- ▶ **The split location of the holding, size, lack of buildings and the need for adequate facilities for animal welfare would be significant material considerations. See overleaf Ministerial Correspondence, which confirms.**

From the office of the
Minister of the Environment



Department of the
Environment

www.doeni.gov.uk

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Your reference:
Our reference: COR/867/2012

30 August 2012

Dear Richard

Thank you for your letter dated 3 August 2012 regarding PPS21 CTY12 'Agricultural and Forestry Development'.

In your correspondence you refer to persons who want to start a new farm business where there are no buildings present. Any proposals for a farm building, where this is the first building on the farm, will be required to satisfy the other relevant policies, including the policy criteria set out under Policy CTY12 of PPS21.

However, it is accepted that accommodating livestock, farming equipment or farm produce are important material considerations which need to be balanced in the round having regard to the requirements of all relevant planning policy, including Policy CTY12, the particulars of each case, local circumstances, and all other material considerations. Therefore failure to comply with the '6 year rule' may not in all cases render an application unacceptable. This may be of interest and assistance to your client.



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Mrs Annette McAlamey
Senior Planning Officer
Newry, Mourne and Down District Council
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

2nd July 2019

Re:

LA07/2019/0019/F
Proposed agricultural building, hard standing and all associated site works
Location:

Dear Sir/Madam,

I write to you in support of the above application for a new agricultural shed submitted by Mr P Killen at lands Approx. 150m NW of 5 Church Road, Crossgar.

Mr Killen is a member of the Ulster Farmers Union and along with his horse breeding enterprise farms suckler cows and calves.

It is our understanding that the Department of Agriculture, Environment and Rural Affairs (DAERA) has already confirmed that this business is both an active and established farm business.

The Ulster Farmers' Union would ask that the following is taken into consideration when establishing whether this proposal is necessary for the efficient use of the agricultural holding.

Mr. Killen has a suckler cow / beef enterprise, and as he is currently grazing cattle at the Church Road address it is essential that Mr. Killen has adequate facilities for his farming enterprise at this site. The proposed use of this farm building is for an isolation unit at various times in the year, but also as a shelter and inspection facility for his stock and storage facility for animal bedding, feedstock and medicines to service his herd at this location.

With any farming enterprise the emphasis is to ensure that animals are healthy and free from disease at all times. Cattle farming involves a range of animal husbandry procedures to

Letter of support from Ulster Farmers Union

- ▶ No objections from any 3rd parties
- ▶ No objections from any statutory agency
- ▶ “Active and Established” farm business - Since 1991
- ▶ Main farm group located 5.5miles away - Split holding
- ▶ No agricultural buildings at this location.
- ▶ Building is necessary for wintering of livestock, good animal husbandry, isolation, vaccination in accordance with Welfare of Farm Animals Regulations (NI) 2012
- ▶ Application is supported by the Ulster Farmers Union - See letter on file
- ▶ The building would visually integrated into the landscape and is appropriate in size and scale



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167

Mrs Annette McAlarney
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 Downshire Civic Centre
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 Ardglass Road
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 BT30 6GQ

2nd July 2019

Re:

LA07/2019/0019/F

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With any farming enterprise the emphasis is to ensure that animals are healthy and free from disease at all times. Cattle farming involves a range of animal husbandry procedures to

maintain and enhance animal health, welfare and production and ultimately the profitability of the enterprise. Mr. Killen must every day carry out routine general health inspections of his stock, and continually throughout the year needs to carry out essential routine treatments. This ranges from lameness monitoring and foot care, administering of prescribed medicines such as external and internal parasite control, vaccinations, lungworm control, ear tagging etc. It is therefore vital that Mr. Killen has proper facilities for looking after the stock kept on these lands allowing him to carry out these inspections and operations when necessary.

It must be stressed here that Mr. Killen does not have any other farm building at this location. It is neither efficient or practical for Mr. Killen to continue to transport stock kept at the lands at Church Road to the principle farm buildings (Abbeyview Road), 5.5 miles away, every time he has to carry out routine inspections, routine operations or isolate a sick or injured animal. Under the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 a person responsible for a farmed animal is responsible for meeting the legal obligations for animal welfare. Our members must, under the welfare legislation, take all reasonable steps to ensure that they do not cause any unnecessary pain, suffering, injury or distress to his animals.

There are situations where DAERA consider cattle unfit to be transported and state that animals should not be transported when they are unable to move independently without pain, have a severe open wound, are heavily pregnant or have given birth within the previous seven days. This is further enforced by the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 (as amended). It is therefore essential that Mr. Killen has this proposed facility to ensure the welfare of his animals are protected.

With regard to the proposed use of as an isolation facility, DAERA recommend that it is good practice to have isolation facilities but also permit that while animals are not being isolated it is possible to use the facility for other purposes.

DAERA has published the "Code of Practice 2012" under the Welfare of Animals Act (Northern Ireland) 2011 for farmers. This document clearly states that "*action should be taken immediately if any cattle are injured or appear ill or distressed*" and "*stock-keepers should have a procedure for isolating and caring for sick or injured animals. Isolation pens should be an essential component of any cattle unit and they should have an entrance that is wide enough for an animal to be easily herded into the pen. When moving sick or injured cattle to the isolation pens, it should be ensured that unnecessary suffering does not occur*". It is therefore essential that this isolation facility is located adjacent to the lands where stock is present.

(Welfare of Farmed Animals Regulations (Northern Ireland) 2012 states at:

Schedule 1 paragraph 6 – Where necessary, sick or injured animals shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.


The Ulster Farmers' Union believe that this proposed farm building is necessary for the efficient use of the agricultural holding given that Mr. Killen currently has no agricultural shed at Church Road to service this part of his farm business.

Whilst the planning officer notes that the applicant purchased this land knowing its distance from the main holding and perhaps the challenges this might entail. Mr Killen had no alternative option to purchase additional lands and expand his farm business closer to the principal farmyard.

With annual TB testing a minimum requirement and the possible need for more frequent testing should a TB break down in the area occur, it would be considerably stressful to transport heavily pregnant cows and young calves back and forward from this out-farm to the home handling facilities, which could be significantly detrimental to development and in turn the viability of the animals and business.

Such matters are important material considerations that need to be considered in reaching a determination and I would be very grateful if you could please reconsider in light of my comments.

Yours faithfully

PP 

Gillian Cheatley
Senior Technical officer
Ulster Farmers Union

From the office of the
Minister of the Environment



Department of the
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Your reference:

Our reference: COR/867/2012

30 August 2012

Dear Richard

Thank you for your letter dated 3 August 2012 regarding PPS21 CTY12 'Agricultural and Forestry Development'.

In your correspondence you refer to persons who want to start a new farm business where there are no buildings present. Any proposals for a farm building, where this is the first building on the farm, will be required to satisfy the other relevant policies, including the policy criteria set out under Policy CTY12 of PPS21.

However, it is accepted that accommodating livestock, farming equipment or farm produce are important material considerations which need to be balanced in the round having regard to the requirements of all relevant planning policy, including Policy CTY12, the particulars of each case, local circumstances, and all other material considerations. Therefore failure to comply with the '6 year rule' may not in all cases render an application unacceptable. This may be of interest and assistance to your client.

The latest planning statistics on the number of approvals of agricultural buildings show that from April 2011 to March 2012 244 such applications were received and 234 applications were approved. This represents an approval rate of 96%. This high rate of approvals indicates that most farmers are able to submit proposals which satisfy the requirements of CTY12.

I will consider this matter as part of the ongoing operational review of the policy.



Appeal Decision

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Appeal Reference:	2018/A0101
Appeal by:	Ronnie Wallace
Appeal against:	Refusal of full planning permission
Proposed Development:	Farm shed development – part retrospective
Location:	60 m NE of 26 Paisley Road Carrickfergus
Planning Authority:	Mid & East Antrim Borough Council
Application Reference:	LA02/2018/0492/F
Procedure:	Informal Hearing on 23 rd January 2019.
Decision by:	Commissioner Helen Fitzsimons dated 19 th February 2019

Decision

1. The appeal is allowed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The appeal site lies in the Belfast Urban Area Greenbelt within the Carrickfergus Area Plan 2001(CAP) the local development plan that operates in the area. The draft Belfast Metropolitan Area Plan is a material consideration in this appeal and it also designates the area within which the appeal site lies as a Greenbelt. Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) published in June 2010 is regional policy and is also material in this appeal.
4. The preamble to PPS 21 states that the policy provisions of this PPS will take precedence over the policy provisions for stated designations contained in existing statutory and published draft development plans one of which is Green Belts. Consequently PPS 21 is the determining policy document in this appeal.
5. Policy CTY 12 of PPS 21 'Agricultural and Forestry Development' states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met. The Council has raised objections under the following ; that it is necessary for the efficient use of the agricultural holding; that the applicants will need to provide sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used; and that exceptionally, consideration may be given to an alternative site away from the existing farm buildings provided there are no other sites available at another group of buildings on the holding.

6. The farm holding is in two portions and spans either side of Paisley Road. Access to the main buildings on the farm is via an extensive laneway some 580m in length on the southern side of Paisley Road. The main group of buildings comprise the farm house and three farm sheds. The appeal site, a field, is located on the northern side of Paisley Road and is served by a 100m long track. There are no other buildings on the appeal site. The appellant also produces silage in the fields below where the main farm grouping lies and sometimes on parts of the upper portion of his holding.
7. The appellant is a predominantly a sheep farmer with a flock of some 24 ewes, comprising a mix of two breeds, Hampshire and Dorset. These breeds allow for more intensive breeding throughout the year with the result that lambing occurs at least twice a year on this holding, with a gestation period of some five months. His best grazing land is in and around the area of the appeal site on the northern side of Paisley Road. For the providence of his animal husbandry activities this is where he mainly grazes his flock, and this makes sense to me. At my site visit I noted a number of heavily pregnant ewes within the appeal site.
8. I am aware that sheep farming can be a tenuous affair in so far as pregnant ewes must be treated with care. I accept that movement during pregnancy can result in loss of the lambs and also that during the birth process the stress of moving the animals can cause complications which can be fatal. In addition I also accept that an animal having difficulty during labour may require veterinary attention in a warm and secure place. Movement of the livestock in either of these circumstances over a distance in excess of half a kilometre to buildings at the main farm group could prejudice the viability of any pregnancy and indeed the ewe itself. This would have an adverse impact on the not only the efficiency of running the farm business but also because of the modest level of farming activity its viability. Consequently I do not consider that the existing farm buildings are suitable for the purposes proposed. There are no other buildings on the holding that could be used. Taking account of all of these factors I conclude that this shed located away from the existing farm buildings is necessary for the efficient functioning of the holding. The Council has not sustained its reason for refusal based on Policy CTY 12 of PPS 21.
9. The appeal site is part of the larger field within which the sheep graze. I do not consider it necessary to have that portion of the host field with boundary treatment. It is necessary to ensure that the existing field boundaries are retained in the interests of the visual amenity of the countryside.

Condition

1. The trees and hedgerows on the southern and western boundaries of the appeal site shall be permanently retained.

This decision is based on the 1:2500 scale site location plan; the 1:500 scale site plan and the 1:100 scale drawing 'new agricultural shed'.

COMMISSIONER HELEN FITZSIMONS

2018/A0101

2018/A0101

List of Documents

Planning Authority: - C1 Written Statement and Appendices

Appellant:- A1 Written Statement

Attendances

Planning Authority:- Ms N Alexander
Ms E Graham

Appellant:- Mr Kevin Gillespie (The Planning Practice NI)
Miss Alex Wallace (Appellant's Daughter)



Appeal Decision

Park House
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Appeal Reference:	2018/A0198
Appeal by:	Mr Joseph Walls
Appeal against:	The refusal of full planning permission.
Proposed Development:	2 no. farm buildings (retrospective)
Location:	Existing farm buildings located 140m SE of 26 Sandbank Road, Hilltown Newry.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0403/F
Procedure:	Written representations and accompanied site visit on 15 May 2019
Decision by:	Commissioner Mandy Jones, dated 11 August 2019.

Decision

1. The appeal is allowed and full planning permission is granted subject to the condition set out below.

Reasoning

2. The main issues in this appeal are;
 - the principle of development in the countryside and
 - whether the buildings are visually integrated into the surrounding landscape.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMP) is the local development plan for the area where the appeal site is located. The site lies in the countryside and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (ANOB) and outside any settlement limit identified in the plan. The plan contains no material policies for the type of development proposed.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21

'Sustainable Development in the Countryside' (PPS 21). Therefore, PPS 21 provides the policy context for this appeal.

5. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that contribute to the aims of sustainable development. One of these is agricultural and forestry development in accordance with Policy CTY 12.
6. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where a number of criteria are met. These include criterion (a) which requires that it is necessary for the efficient use of the agricultural holding or forestry enterprise; criterion (b) which requires that in terms of character and scale it is appropriate to its location and criterion (c) which requires that it visually integrates into the local landscape and additional landscaping is provided as necessary. The Council considers that the proposal fails to meet these first 3 criteria.
7. The Council raised concerns regarding additional information provided by the appellant within his statement of case. I find the matters to be further clarification on the appellant's farming case and commercial activities. Further clarification on issues raised is a normal part of the appeals process and I do not consider this to be at odds with Section 59 of the Planning Act.
8. This appeal is in relation to a retrospective application for 2 no farm buildings. The appeal site is situated in the south eastern corner of a large farm complex and commercial yard located on the eastern side of Sandbank Road. The 2 buildings consist of a steel portal framed grain store which is connected to a steel portal framed cattle shed which has a slatted floor and underground tanks. The floor area of the grain store is 17.4m x 30.00m with a ridge height of 12.0m and an eaves height of 9.0m. The roof and part elevations are finished in corrugated agriclad cladding. It has roller shutter door on the long side elevation. The floor area of the lean-to cattle shed is 30.0m x 18.0m with a ridge height of 7.0m. It is part finished with vertical timber cladding. It has a sliding door on the gable elevation. Both appear as agricultural buildings.

§ 22sqm
§ 40sqm
9. The farm business ID is registered to Mr Joseph Walls and the farm is approximately 48.85 hectares. Consultations with DEARA established that the agricultural business has been established for at least 6 years and in that time the appellant has claimed single farm payments demonstrating that the business is active. The Council considers that the initial policy test has been met.
10. All of the farm buildings are located within the Sandbank Road complex and are adjacent to the farm dwelling. The appellant also runs an agri – sales and supplies business that has operated from the site for many years. There is a clear distinction on the site between the farm buildings and the commercial buildings. The appeal buildings are directly adjacent to the existing farm buildings and farmyard.
11. The retail sales part of the business is to be relocated to a site on the Newry Road just outside Hilltown approved under applications P/2011/0832/O in March 2014 and P/2014/0820/RM in January 2015. I was told by the Council that the outline approval was accompanied by an Article 40 Agreement that all retail sales would cease at the appeal site. The Council therefore considers that full implementation of this approval

and relocation of the retail sales away from the appeal site would mean that the existing buildings in the complex would become redundant and could be suitable for re – use.

12. The appellant argues that the 2 appeal buildings are necessary for the continued expansion of the long established farm business. Although the herd numbers have slightly decreased (to 157 animals in May 2018 from 165 animals in May 2015), his farming practices have changed in line with advice from DEARA, that winter housing of livestock and feeding with meal and supplements is the preferred option for productive and profitable animals and better for animal husbandry and welfare. Previous farming methods of feeding animals in the open fields during the winter has now ceased. The appellant stated that this method of feeding animals in the open fields resulted in many fatalities within his herd during the winter of 2010.
13. I was told by the appellant that although the approved commercial development on the Newry Road has commenced it may be some until the re location of the business takes place due to the financial uncertainty of Brexit and its impact on the farming industry. In any case, it was argued that the buildings associated with the commercial activity are unsuitable for the current needs of the farm complex. It was proposed that when the relocation takes place the commercial buildings will have to be replaced with new modern farm buildings and not the adoption of redundant commercial buildings. From my observations on site of the existing commercial buildings I concur with the appellant that they would not be suitable for the specific agricultural use required. I accept the timeframe for relocation is unknown to the appellant at this present time and this was unchallenged.
14. The animal shed is used to winter animals and has a slatted floor to large underground slurry tanks. The grain store is a multi purpose farm building used for the storage of straw, animal feeds, bulk fertiliser, machinery and is also used as an animal housing unit when the animal shed is at capacity. The roof height is required to accommodate machinery such as telehandlers and tractors. At my site visit, there was no doubt that both buildings were in agricultural use. All the other buildings within the complex also appeared to be fully utilised.
15. Given the evidence presented by the appellant regarding his farming practices, the design parameters of the appeal buildings specifically for agricultural use, their location relative to the other farm buildings and yard and my observations on the site of the use of the buildings on the complex, I am persuaded that the appeal buildings are necessary for the efficient use of the agricultural holding. I consider that criterion (a) has been met.
16. Policy also requires that new agricultural buildings are sited beside existing farm buildings and the design and materials to be used are sympathetic to the locality and adjacent buildings. The appeal buildings are located to the rear of the existing cluster of buildings and sited directly adjacent to the existing farm buildings and farm yard. The external materials of corrugated cladding and timber cladding are sympathetic to the existing cluster and wider agricultural area.
17. The grain store has a ridge height of 9.0m, and the Council argue that the height and scale appears excessive and it is a prominent feature that fails to integrate satisfactorily into the landscape when viewed from Sandbank Road and Newline.

18. The Sandbank Road is a straight and relatively fast stretch of road. Given the set back of the overall cluster from the Sandbank Road, the location of the appeal buildings to the rear of the cluster and the peripheral nature of views from the road, I consider the appeal buildings to be satisfactorily integrated into the local landscape. Given the screening effect provided by other buildings within the cluster in front of the appeal buildings, I do not consider them to appear prominent and excessive in terms of height and scale.
19. Newline is up to ½ mile away from the appeal site. Given the nature of this long distance view, intervening vegetation and topography, mountainous backdrop, and the siting of the appeal buildings within and to the rear of the existing cluster, I consider the appeal buildings to be satisfactorily integrated into the local landscape. I consider that criterion (b) and (c) have been met. As the proposal complies with Policy CTY 12, it is one of the types of development which in principle are considered to be acceptable in the countryside and Policy CTY 1 has been met. Accordingly, the Council's first reason for refusal has not been sustained.
20. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding countryside and it is of appropriate design. The Council argue that the appeal proposal is (a) a prominent feature in the landscape; (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and (c) it relies primarily on the use of new landscaping for integration. As already concluded, I consider the appeal buildings to be satisfactorily integrated into the countryside and to be of appropriate agricultural design for the locality. Although the appellant did not propose any landscaping, the existing complex of buildings provide adequate enclosure to visually integrate the 2 appeal buildings. The proposal does not rely on the use of new landscaping for integration. I consider that the appeal buildings meet the policy tests of Policy CTY 13. The Council's second reason for refusal has not been sustained.
21. Policy CTY 12, paragraph 5.55 states that all permissions granted under this policy will be subject to a condition limiting the use of the building to agriculture. It is therefore necessary to impose such a condition.
22. In conclusion, as all of the reasons for refusal have not been sustained the appeal is allowed and full planning permission is granted subject to the following condition :

Condition

- 1) The buildings hereby approved shall be used solely for the purposes of agriculture.

This appeal decision is based on the following drawings:

- PAC 1: Site Location Plan, scale 1:2500: Council ref: 01
- PAC 2: Site Layout, Scale, scale 1:500: Council ref: 02
- PAC 4: Farm Building Plans, scale 1: 200: Council ref: 04
- PAC 5: Elevations, scale 1:200: Council ref: 05

COMMISSIONER MANDY JONES

List of Documents

Planning Authority: 'A' Statement of Case with appendix
 'B' Rebuttal

Appellant: 'C' Statement of Case with appendices
 'D' Rebuttal

Appearances

Newry Mourne and Down

Planning Authority: Mr G Murtagh

Appellant: Mr G Tumelty, agent
Mr C Walls



Appeal Decision

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180

Appeal Reference:	2018/A0211.
Appeal by:	Mrs J S Currie.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Farm shed.
Location:	360m east of No. 190 Lower Ballyboley Road, Larne.
Planning Authority:	Mid & East Antrim Borough Council.
Application Reference:	LA02/2018/0734/F
Procedure:	Written representations and accompanied site visit on 20 June 2019.
Decision by:	Commissioner Mark Watson, dated 23 August 2019.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions below.

Reasons

2. The main issues in this appeal are whether or not the proposed development would:
 - be acceptable in principle; and
 - visually integrate into the rural landscape.
3. The Larne Area Plan 2010 (LAP) operates as the statutory local development plan for the area appeal proposal lies within. In it, the site lies in the countryside and in a Countryside Policy Area (CPA). The preamble to Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) states that the provisions of that document take precedence over a number of CPA designations, including that particular one contained in the LAP. The LAP contains no policies or proposals of relevance to the appeal development and is therefore not material to this case. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of PPS21. PPS21 remains the applicable policy context to consider the proposed development under.
4. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development, including agricultural development in accordance with Policy CTY12 of PPS21. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. It follows

that if the development satisfies Policy CTY12 it will also satisfy Policy CTY1 of PPS21.

5. The appeal site comprises the southern-most portion of a larger grassed agricultural field on the eastern side of the Lower Ballyboley Road. The site lies below road level, with the overall landform of the host field sloping gently downwards to the south-east from the roadside. The site area itself has been laid down in hardcore forming a yard area, with hardcore also forming an access track to the site from the road. At the time of my site visit a hopper attachment for a tractor and a plastic water tank were stored on the site, along with some silage. There is a cattle crush adjacent and east of where the building is proposed to be sited. The northern site boundary is partially fenced, whilst the southern and eastern boundaries are defined by mature hedge, though the southern boundary has some gaps. The western site boundary is undefined. The host field has a mature low cut hedge and a narrow grass verge along the road frontage. Access to the field and site is provided by a pair of agricultural field gates. No. 196 Lower Ballyboley Road, a chalet bungalow, lies north and on the opposite side of the road from the host field. A farm complex at Nos. 190 and 192 Lower Ballyboley Road lies some distance to the west on higher land on the opposite side of the road from the host field.
6. The appeal building is a rectangular, pitched roof shed measuring approximately 10m long externally by approximately 5.3m wide externally, with a height of approximately 3.4m to the ridge line. The walls and roof are to be covered by profiled metal cladding, painted dark green. Access to the interior would be provided by a pair of large doors on one elevation. The building would be set within the northern portion of the existing yard area.
7. Paragraph 5.56 of PPS21 states that for the purposes of CTY12 the determining criteria for an active and established business will be that set out in CTY10, i.e. that the farm business is currently active and has been established for at least 6 years. Under Policy CTY10 applicants will also be expected to provide the farm's business ID number and other evidence to prove active farming over the required period. The Department of Agriculture, Environment & Rural Affairs (DAERA) consultation response confirmed that the Appellant's farm business (ID number 619589) had been established for 6 years or more. Whilst the Council accepted that the farm business was active and established, it did not accept that there were no other available locations at another group of buildings within the Appellant's holding to site the building at.
8. The Appellant stated that her farm business was started in 1996 and she breeds cattle for beef. She currently has 48 cattle though it is intended that some of these will have to be sold to finance erection of the appeal building if it is granted permission. It was stated that the Appellant has no farm buildings of her own and that until now she has rented buildings in the locality, with information provided to this effect unchallenged. From 2015 until now the Appellant rented land as well as an outlying farm building belonging to another local farmer. This building was recently used to deliver calves. The Appellant was given notice in 2018 that the building in question would not be available to her in 2019, thus the planning application subject of this appeal was submitted. Changes in legislation relating to the need to avoid cross-contamination between separate herds has also complicated matters as this has eliminated the potential use of buildings located on other farmer's building groups.

9. It is intended that the appeal building would serve several purposes:
 - providing shelter to animals during inclement weather, as well as protecting the land during those periods from excessive damage;
 - accommodating pregnant cattle and calves;
 - storage of cattle feed and equipment;
 - a place to carry out treatment, dosing and testing of animals; and
 - isolating sick animals from the herd, when necessary.
10. The Appellant stated that she owns a single field, that which is the host field the appeal site lies in. The other land she has used and presently uses is rented from several different owners. Some of the land rented in 2018 is no longer available due to a change in the circumstances of the owner of that land. However, the Council identified several parcels of land which are jointly owned by the Appellant and her husband in and around the farm sheds at Nos. 190 and 192 Lower Ballyboley Road, where both Mrs and Mr Currie reside. It is at this location where the Appellant's husband operates his dairy farm business and uses the existing buildings at that location. This was not disputed and there was no contention that the existing buildings there were available for the Appellant's use.
11. The Appellant's representative stated that although the land identified by the Council was in joint ownership, this was only for the purposes of simplifying legal matters in the event that Mr Currie passed away. It was stated that up until recently the Appellant has not had use of any of those lands in joint ownership, but as of 2019 she is renting several of the fields for grazing, but paying a fee to Mr Currie's farm business to do so. The Council still considered that the Appellant could site a new building in proximity to those existing buildings at Nos. 190 and 192, particularly as the farm maps for her business list the address as No. 190 Lower Ballyboley Road. I must address whether these lands constitute part of the Appellant's farm business in the first instance.
12. There was no contention between the parties that the Appellant's business and Mr Currie's farm business are separate farm businesses. It is not inconceivable that two married individuals can both be involved in farming yet run separate businesses. Policy in PPS21 refers to the (singular) farm business, which in this case is that of the Appellant. Whilst land can be jointly owned for a variety of reasons, such as the lands in question, it does not follow that such land automatically also falls within the Appellant's farm business. The postal address for the Appellant's business is No. 190 Lower Ballyboley Road. However, the postal address itself is not demonstrative that the buildings therein belong to her farm business. No. 190 is where the Appellant resides and the address to which DAERA sends any correspondence to her. Whilst the Appellant will be renting this land from her husband this year, the income derived from the use of that land will be going into Mr Currie's coffers rather than the Appellant's, who is paying for the use of the land, though her business is availing of it in use terms. Even if it is presently being used by the Appellant's business for grazing I consider that the land in question still forms part of Mr Currie's farm business.
13. Although from an examination of the lands in question there could conceivably be potential locations to site a new farm building where it would be sited beside existing farm buildings, these locations are on the jointly owned land and not part of the Appellant's own farm business. Notwithstanding concerns relating to biosecurity and the need to avoid any cross-contamination from separate herds, I accept that

- the Appellant has no buildings of her own on land which constitutes her farm business.
14. The third additional requirement of Policy CTY12 states that the proposal is sited beside existing farm buildings. The appeal proposal cannot meet this as it would be the first building on the Appellant's farm business. Therefore this additional requirement of CTY12 is not met and the exceptional test of Policy CTY12 is engaged.
 15. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. As I have determined that the buildings at Nos. 190 and 192 are not part of the Appellant's farm business the first provision of the exception test is satisfied.
 16. The Appellant advanced animal welfare reasons under the health and safety branch of the exceptional test to justify the appeal development. Whilst the thrust of this particular branch of the exceptional test relates to health and safety reasons justifying a specific location away from other buildings, the matter of animal welfare is nevertheless a material consideration, which will be addressed below.
 17. The Appellant's business has functioned on the basis of rented buildings up until now. The undisputed evidence is that there are no such buildings now available for rent. It was not suggested by the Council that Mr Currie's own buildings could be utilised by the Appellant. The appeal building would provide accommodation and secure storage for the Appellant's farm business at a location beside the land she farms. To be able to breed calves is a vital element of the farm business. Heavily pregnant animals require shelter, as do new-born calves. The Appellant's ability to safely deliver and rear young animals would be severely compromised without a building to provide such shelter, particularly in periods of inclement weather; a situation far from ideal from both animal welfare and good farming practice perspectives. The appeal building would provide such necessary accommodation, whilst also being in relatively close proximity to the Appellant's residence, allowing for an effective response in the event that any emergency arose with a pregnant animal. It would also allow for on-site veterinary intervention for pregnant or sick animals without the need to transport them elsewhere. Transporting pregnant animals can be dangerous to their health, whilst the time taken to transport sick animals elsewhere could result in delayed treatment.
 18. As it stands the Appellant's business finds itself without the use of such a building. For reasons already outlined earlier there are no existing buildings for the appeal development to be sited beside and I accept that the use of a building located within an existing farm complex belonging to a separate farm business, even if one happened to be available, could give rise to potential issues with cross-contamination. Although biosecurity matters would not in themselves justify the appeal building, taking all of the above matters in the round, I am nonetheless persuaded that the appeal building would be essential for the efficient functioning of the business. I therefore find that the exceptional test of Policy CTY12 is met. The environmental objection raised by the Council under criterion (c) of Policy CTY12 is addressed below.

19. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The appeal building itself is relatively small in scale and not of a design untypical for an agricultural shed. It would exhibit a low key presence in the landscape given its design and siting. From the identified critical view travelling south-west on Lower Ballyboley Road views of the appeal building would be greatly restricted by the alignment of the road, roadside vegetation, topography of the site itself and relatively low ridge height of the building. Whilst as one draws closer to the site frontage itself, views would become more apparent, they would also be peripheral to the direction of travel and natural line of sight, with the appeal building availing of the existing boundary vegetation to the east and south, as well as the rising land to the east.
20. On the opposite approach from the more elevated viewing position on Lower Ballyboley Road relative to the appeal site, transient views of the building would be available through the gaps in the southern site boundary vegetation. However, those views would again be peripheral to the direction of travel and there would be sufficient backdrop from rising land to the east of the site to avoid the building reading as a prominent feature in the landscape. A farm building viewed in the countryside would not be an unexpected sight, even one which lies off a road that has no other built development nearby on that same side. Although the appeal site within the host field has only two long established natural boundaries, it nevertheless would have a sufficient degree of enclosure for the building to integrate into the landscape given the existing boundary vegetation, rising land to the east and the limited views available from the public road. In the event that permission was granted, in the interests of preserving rural visual amenity, a condition requiring submission of a landscaping scheme providing for retention of the existing boundary vegetation and new planting on the northern site boundary would be necessary. For the reasons given above the appeal development would visually integrate into the surrounding landscape. Policy CTY13 of PPS21 would be satisfied, as would criterion (c) of Policy CTY12 for the same reasons. The Council's second reason for refusal is not sustained.
21. For the reasons given above I find that the appeal development meets Policy CTY12 of PPS21 read as a whole. Consequently it also meets Policy CTY1 of PPS21. The Council's first reason for refusal is not sustained.
22. As the Council's reasons for refusal have not been sustained the appeal shall succeed.

Conditions

- (1) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme providing for the retention of trees and hedgerows along the southern and eastern boundaries of the site and the location, numbers species and size of trees and shrubs to be planted along the northern boundary of the site. The scheme of planting as finally approved shall be carried out during the first available planting season after the completion of the approved building. 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 planning authority gives written consent to any variation.

- (2) The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01	Site Location & Block Plan	1:2500 & 1:500	18/07/18
02	Plans & Elevations	1:100	18/07/18

COMMISSIONER MARK WATSON

List of Appearances

- Planning Authority:- Ms J McCurdy (Mid & East Antrim Borough Council)

- Appellant:- Mr D Monaghan (MBA Planning)

List of Documents

- Planning Authority:-
 - 'A' Statement of Case & Appendices (M&EA BC)
 - 'B' Rebuttal Statement (M&EA BC)

- Appellant:-
 - 'C' Statement of Case & Appendices (MBA Planning)
 - 'D' Rebuttal Statement & Appendices (MBA Planning)



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0512/O

Date Received: 4th April 2019

Proposal: Proposed infill dwelling and detached garage.

Location: Between 151 & 149 Dunmore Road, Ballynahinch



Site Characteristics & Area Characteristics:

The site is located off Dunmore Road, on a private lane which provides access to a number of dwellings and outbuildings. The site is comprised of a 0.5-hectare green field site, which is defined along the lane by a post and wire fence, with mature trees

along the south-eastern boundary and mature hedging to the rear boundary to the southwest. The site is relatively flat.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no site-specific constraints identified on the lands in question.

Site History:

R/1999/0821/O - Land adjacent to 147 Dunmore Road, Guinness, Ballynahinch – Dwelling - PERMISSION GRANTED - 27.11.1999

R/2001/0632/O - Approx 90m N.N.E of 149 Dunmore Road, Ballynahinch - Retirement type dwelling & garage. - APPLICATION WITHDRAWN - 10.05.2002

R/2001/1503/F - Approx 120m north of 149 Dunmore Road, Ballynahinch – Dwelling - PERMISSION GRANTED - 18.04.2002

R/2002/0685/F - Approx 120m North of 149 Dunmore Road, Ballynahinch - Amendment to R/2001/1503 - addition of garage and velux windows (amended proposal) - PERMISSION GRANTED 06.09.2002

R/2002/1153 - Approx. 50 metres north north west of agricultural shed to rear of 149 Dunmore Road, Ballynahinch. - Proposed dwelling and garage. - APPLICATION WITHDRAWN - 13.09.2002

R/2003/0045/A41 - 151 Dunmore Road, Ballynahinch - Conservatory extension together with conversion of roof space and erection of shed for storage of plant and machinery. - PERMITTED DEVELOPMENT –

R/2003/0482/O - 70m South of 151 Dunmore Road, Ballynahinch. - Proposed dwelling and garage. - APPEAL DISMISSED

R/2004/1755/F - 151 Dunmore Road, Ballynahinch - Extension of storage shed - APPLICATION WITHDRAWN - 09.09.2005

R/2005/0117/F - 151 Dunmore Road, Dunmore, Ballynahinch, - Retrospective application for retention of existing shed for storage of plant and machinery - APPLICATION WITHDRAWN - 26.09.2005

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 3, Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

Transport NI was consulted in relation to the proposal and has responded with no objections.

NI Water was also consulted in relation to the proposal and has also responded with no objections.

Objections & Representations

The application was advertised in the local press on 24th April 2019 which expired on 8th May 2019. All relevant neighbour notifications issued on 15th April 2019 which expired on 29th April 2019.

One representation was received from the owner / occupier of 149 Dunmore Road, who stated while they have no objections other than invasion of privacy, they wished to raise concerns about the current condition of the laneway and its capacity to deal

with additional traffic and highlight their concerns about the freshwater stream and spring being contaminated by sewage soakaways.

Consideration and Assessment:

The Ards and Down Area Plan 2015 has identified the appeal site as falling within the open countryside. The plan does not contain any policies or provisions relevant to the proposal.

SPPS

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

PPS 21

The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).

CTY 1 – Development in the Countryside

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 8 of PPS 21 (infill dwelling).

CTY 8 – Ribbon Development

Policy CTY 8 of PPS 21 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 respect the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

In assessment of the proposal, it is noted that the applicant considers the substantial and continuous built up frontage to comprise her dwelling at No. 151 Dunmore Road, the shed to the southwest, a further shed to south and adjacent to No 149 and the dwelling at No 149 Dunmore.

It is however, the Councils assessment that the sheds do not share a frontage with the site. The curtilage of each shed is notably set back from the lane and do not therefore share a frontage with the site. While the 'driveways' to these sheds connect with the lane on which the site is located, such accesses are not considered to constitute a building along the frontage.

For this reason, it is considered that the site is not located within a substantial and continuously built up frontage and would if permitted create a ribbon of development. The proposal therefore fails to comply with the requirements of CTY 8 and CTY 1 of PPS 21.

CTY 13 – Integration

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable were scenarios A – F apply.

In this case the site is noted to be located along a private lane of Dunmore Road and is positioned approximately 120m from the public road. The site is screened on approach from the south-east along the private lane by the mature trees noted above at the SE boundary of the site. It is considered therefore that a suitably designed

dwelling would integrate within the surrounding landscape and the proposal is therefore compliant with CTY 13 of PPS 21.

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause detrimental change to. Or further erode the rural character of the area. A new building will be unacceptable where (A) – (E) occurs.

In assessment of this policy it is considered that while the buildings along this section of Dunmore Road do not share a common frontage, there would however be a sequential awareness of development when travelling along the lane. The site would be visually linked with dwellings Nos 149 and 151 and the shed to the south-east of No 151, along with an awareness of a building NW of No 149 via its gated access.

It is considered therefore that if a dwelling at this site were permitted, it would result in the creation of ribbon development along this section of Dunmore Road, and is therefore contrary to criteria (D) of CTY 14.

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Council's consultees, it is determined that the proposal is unacceptable in planning terms and refusal is recommended for the following reasons

Recommendation:

Refusal

Refusal Reasons/ Conditions:

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not located within a

substantial and continuously built up frontage which includes a line of 3 more of more buildings along a road frontage.

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signed

Date

Signed

Date

C. McILvar Ltd

Chartered Planning Consultants MRTPI

Infill dwelling & garage between Nos 151 & 149 Dunmore Road, Ballynahinch

The application site is flanked on both sides by two dwellings, accompanying garages and two multipurpose sheds (6 buildings). To the immediate north west is a multipurpose building positioned down a short driveway from the lane. To the south west is a shed positioned back from the lane. To the south side of this shed is a dwelling at No. 149 and garage.

Whilst acknowledging that the dwellings at Nos 149 and 151 each have a frontage onto the lane, the Local Planning Authority (LPA) considers that the shed North West of the application site and the shed to the South West are set back from the lane and therefore do not share a frontage with the site. We strongly disagree with the LPA's assessment as they have seemingly misunderstood the meaning of 'road frontage'.

The definition of 'road frontage' was recently simplified by Commissioner Fitzsimons when ruling on an infill site opposite 73 Leitrim Rd, Hilltown as follows: ***"The term road frontage must mean that buildings have direct frontage to the road/lane with no features in between"***. Para 5 – Ref: 2018/A0183.

In the subject case the shed immediately South of the site, despite its set back from the lane is apparent when travelling along the private lane. Likewise, the shed North of the site is clearly perceptible from the lane despite its set back as depicted in the photo below. Both sheds have direct frontages to the lane with no intervening features in between.



Moreover, the LPA have ignored the presence of the garages which accompany Nos. 149 & 151. Both garages are detached and have a direct frontage to the lane with no features in between. Even if the multipurpose sheds are taken out of the equation the application site lies within a built-up frontage of three or more buildings.



Detached garage belonging to No. 151 at the finish of the lane has a direct frontage to the lane

Accordingly, all six buildings (No. 149, No. 151, two garages & two multipurpose sheds) share a direct frontage onto the lane and are visually linked. A crucial point which was acknowledged by the case officer on page 6 of her committee report, **'there is a sequential awareness of development travelling the lane. The site would be visually linked with dwellings Nos 149 & 151 and the shed to the south-east of No 151, along with an awareness of a building NW of No 149 via its gated access'**.

In order to help illustrate how the proposed dwelling will nestle into the enclosed site we have provided an illustrative site plan with this summary. See Appendix One.

Since May four appeal cases have been allowed by the PAC for infill applications refused by Newry, Mourne and Down (NMANDD) Council as follows:

1. **2018/A0183** – Infill site opposite and east of 73 Leitrim Rd, Hilltown – Decision by Commissioner Fitzsimons 13th May 2019
2. **2018/A0209** – Site for infill dwelling adj to and 29m east of No. 15 Altnadua Rd, Castlewellan – Decision by McGlinchey dated 1 July 2019
3. **2018/A0239** – Infill dwelling & garage between 11 and 13 Seavaghan Rd, Ballynahinch – Decision by Commissioner Daly dated 26 July 2019
4. **2019/A0038** – Infill dwelling approx. 30m NE of 75 Benagh Rd, Newry – Decision by Commissioner Fitzsimons 30th Sept 2019

Each Commissioner found the Council's concerns unfounded. These decisions indicate the LPA in NMANDD are wrongly assessing such applications and misinterpreting the infill exception as set out in Policy CTY 8. As the Council aren't winning any infill cases at appeal surely the time has come for the LPA to reconsider their position and re look at their interpretation of policy when assessing infill applications. We ask how many more applicants in NMANDD council will be forced to proceed down the appeal route following yet another poor decision from the planning office.

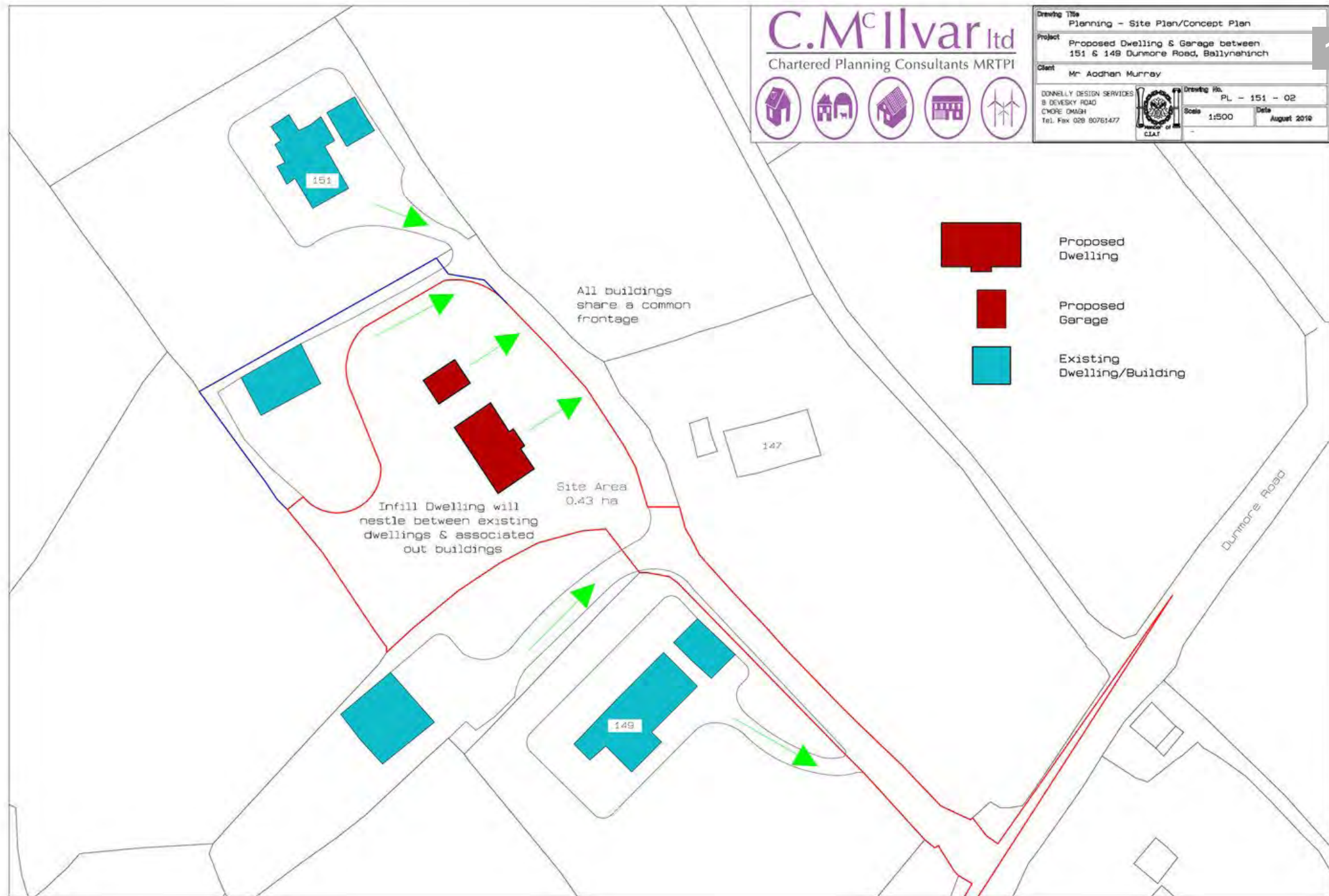
As the proposal satisfies the exceptional test within Policy CTY 8, it finds support in Policy CTY 14 and we do not have to consider this matter. The proposal complies with Policy CTY 8 therefore it also accords with Policy CTY 1. Accordingly, the LPA has failed to sustain its two reasons for refusal and this application should be approved at Committee on 16th October 2019.

Appendix One – Illustrative Site Plan

Summary Prepared by Mrs C Gourley C. McIlvar Ltd

C.M^cIlvar Ltd
 Chartered Planning Consultants MRTPI




Drawing Title	Planning - Site Plan/Concept Plan		
Project	Proposed Dwelling & Garage between 151 & 149 Dunmore Road, Ballynahinch		
Client	Mr Aodhan Murray		
DONNELLY DESIGN SERVICES 8 DEVESKY ROAD CYRRE OMSH Tel: Fax 028 90761477	Drawing No.	PL - 151 - 02	
	Scale	1:500	Date August 2019



All buildings share a common frontage

Site Area 0.43 ha

Infill Dwelling will nestle between existing dwellings & associated out buildings

-  Proposed Dwelling
-  Proposed Garage
-  Existing Dwelling/Building

Dunmore Road

151

147

149



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0935/F

Date Received: 3rd June 2019

Proposal: Extension to side of dwelling

Location: 4 Old Park Road, Loughinisland

Site Characteristics and Area Characteristics:

The application site comprises a two storey detached dwelling which sits side on, onto Old Park Road. The site is triangular in shape and declines in land level from east to west. There is an outbuilding set adjacent to the dwelling, on the western side. An area of hardstanding to the front of the dwelling is used as parking provision and there is a small amenity area to the rear of the dwelling and to the south western corner of the site. There is some hedging to along the southern and northern boundaries.

The site is located in the countryside and not within any defined settlement limit. It is set some 0.7m to the south west of Loughinisland Village. The surrounding land is predominantly agricultural in use and rolling drumlin type topography.

Site History

R/2011/0725/O - Adjacent to 2, 4 and 4A Old Park Road, Castlewellan, Seaforde

Proposed new dwelling and garage

Permission Refused 13.09.2012

R/2005/1694/RM – Rear of No. 4 Old Park Road, Loughinisland

Proposed New Dwelling and Garage for Domestic Use Only

Permission Granted 08.06.2006

Planning Policies and Material Considerations:

The proposal is considered against the Ards and Down Area Plan 2015 and in addition to this is considered against PPS 21 Sustainable Development in the Countryside Policy CTY1 which states that any extension to a dwelling house would be acceptable where it is in accordance with the guidance set out in Policy EXT1 of the Addendum to PPS 7 Residential Extensions and Alterations and SPPS. Given the circumstances of the application, the proposal will also be assessed under paragraphs 2.7 – 2.11 of EXT1 of PPS 7.

Consultations:

Owing to the site's proximity to Castlenavan Quarry to the north west, Environmental Health were consulted as part of this application. They raise no objections in regards the proposed development, subject to conditions regarding the septic tank.

Also, as more parking provision would be required as a result of the development, DFI Roads were consulted. They raise no objections in response to the proposal.

Objections & Representations:

The application was advertised in the local press on 26th June 2019 which expired on 10th July 2019 and neighbour notification issued on 17th June 2019 and expired on 1st July 2019. To date there have been no objections received in relation to the proposal.

1 letter has been received from the applicant's doctor, giving support to this application.

Consideration and Assessment:

The proposal is for the erection of a large extension to the western elevation of the dwelling, following the removal of the outbuilding which sits in the location of the proposed development. Officers note the reasoning behind the proposed extension is to allow the applicant's daughter to move on site with her family so that she can help in the caring duties for her mother, the applicant's wife. A letter from the family doctor has also been noted, which sets out the medical conditions which the wife of the applicant is unfortunately suffering from, as well as a photocopy of her 'blue badge.'

The extension would be one and a half stories in height and would have a ridge height of 6.6m. The extension would be a rectangular shape with a width of 12.8m and a depth of 8.9m. The proposed extension would be finished in materials to match the existing dwelling. While the proposal seeks to add a large extension to the western elevation of the existing dwelling, Officers are of the opinion that the extension is of

such a scale that it should be considered as a proposal for a new dwelling that would adjoin the existing dwelling.

Paragraph 2.7 of EXT 1 sets out that 'the Council will give sympathetic consideration to proposals where an extension is required for a person with a disability....and the specific needs of a person with a disability are an important material consideration and the policy criteria may be relaxed to meet these needs.'

Paragraph 2.8 further states, 'there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances.'

As set out in Paragraph 2.9 of EXT1, to be ancillary, accommodation must be subordinate to the main dwelling. Officers consider that while the extension would be set down from the ridge height of the existing dwelling, it is essentially a house attached onto another house and would not be considered subordinate. The scale of the accommodation is too extensive to be considered subordinate.

The proposed development would be internally linked as per the requirements of EXT1, and there would be an additional front access point into the extension which paragraph 2.9 states would be acceptable. Paragraph 2.11 states 'in all cases, the council will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property and careful consideration will be given to the impact of proposals on neighbouring dwellings.' The Design and Access statement notes that the applicant is satisfied that a condition would be imposed with any permission granted, stating that the extension will only be used as ancillary residential accommodation. The impact on neighbouring properties will be assessed below.

• The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

The proposed extension would be substantial in size, appearing essentially as a new dwelling attached to the western side of the existing dwelling. The current dwelling sits side on to Old Park Road and so is highly visible in the streetscene in views from the north and south. While the proposed extension would be set back to the other side of the dwelling and on a slightly lower land level, it would still be highly visible along Old Park Road. There is some hedging in place to provide a small degree of screening, but the extension proposed would still be considered highly visible from views from the north and south along the road. The proposed extension would be connected to the main dwelling by a small linked portion however, due to its size, the proposed development does not look like an extension joining the house, rather a new house adjoining the existing house. Officers note that the new extension would be built in

place of an existing outbuilding, however these outbuildings are significantly smaller and appear subordinate to the main dwelling.

The scale, bulk and mass of the proposed extension is excessive in a domestic setting. Officers note that the proposal is to accommodate a carer for the occupier of the existing dwelling, but there is too great a duplication of accommodation. Usually carer accommodation is provided in the form of a small annex and making use of existing accommodation within the existing dwelling house, however this proposal is for an entire dwelling attached to the existing. The site itself would be largely filled with built form and as such, the site would appear cramped and out of keeping with the rural area in which it is situated.

While Paragraph 2.7 allows for the relaxing of policy criteria to facilitate caring facilities, officers consider that the scale of the proposed extension, is simply too large to be acceptable. It would result in a cramped and awkward arrangement between the two homes on site which would result in harm to the visual amenity of the area.

Officers consider that the extension would be highly visible in views towards the front and rear of no.4 Old Park Road, to the detriment of the appearance and character of the surrounding area.

• **The proposal does not unduly affect the privacy or amenity of neighbouring residents.**

The proposed extension would be set 15m from the nearest point of no.4a Old Park Road. Any views from the rear kitchen windows of the proposed extension towards no.4a would be over the front parking area, which is not considered to be a private amenity area. Officers consider that the combination of the proposed separation distance with the nature of the views ensure that there would not be a harmful loss of privacy for these residents. The proposed extension would be storey and a half, officers do not consider that the extension would result in any loss of light, loss of outlook or overbearing impact to the residents of no.4a although it would appear more visible from their front windows. The proposed extension would be sufficiently well separated from all other adjacent properties to result in a materially harmful impact upon residents.

• **The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.**

The proposal would result in the removal of some hedging to the rear of the proposed extension. Officers consider that the existing 'Castlewellan Gold' hedging surrounding the site does not contribute to the local environmental quality and as such, the loss of

part of the hedging would be acceptable without impacting the landscape quality of the area. There would not be any trees removed as part of the proposed extension.

• **Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.**

Sufficient space remains within the curtilage of the dwelling to park two cars, there is ample parking to the front of the dwelling as well as the northern side. The application further proposes to extend the area of hardstanding, which would provide an increased parking and turning area.

The proposed extension would significantly reduce the amount of amenity space available to the residents of the dwelling. While there would be small pockets of space, these would not be conducive to usable space.

Recommendation:

Refusal is recommended

Refusal Reason:

1. The proposal is contrary to Addendum to PPS 7, Policy EXT1 (a) in that the scale and massing of the proposed accommodation is excessive and would result in an unacceptable impact on the character and amenity of the area by way of impact upon the streetscene. Furthermore, Paragraph 2.9 of the policy sets out that ancillary accommodation must be subordinate to the main dwelling, which this proposal is not considered to be.
2. The extension proposed would result in a cramped arrangement of buildings on the site which would result in harm to the visual amenity of the surrounding rural area, in conflict with Policy EXT1 (a) of Addendum to PPS7.

Informatives:

The drawing numbers to which this decision relate are: LA07/2019/0935/01 - 09

Case officer:

Authorised by:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

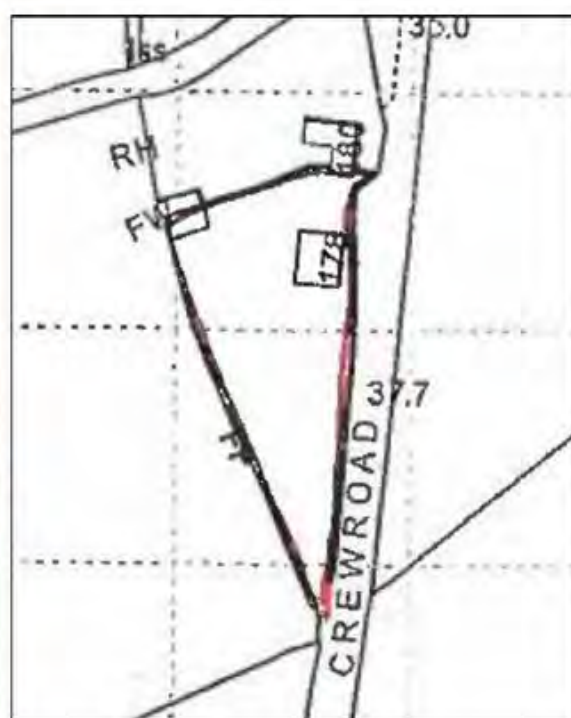
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1031/F

Date Received: 2nd July 2019

Proposal: Proposed Shed for storage of vintage vehicles

Location: 178 Crew Road, Downpatrick



Site Characteristics and Area Characteristics:

The application site comprises a triangular shaped plot of land which contains a detached bungalow to the north of the site along with two small outbuildings along the northern boundary between no.178 and 180. The site has an area of curtilage lawn to the south and west of the dwelling. There is hardstanding and parking provision to the

north of the site, and a hardstanding surround which wraps around all sides of the dwelling. There is hedging on the eastern boundary of the site and an entrance gate.

The site is located in the countryside and not within any defined settlement limit. The surrounding land is predominantly agricultural in use and rolling drumlin type topography.

Site History

R/1996/0762 - 178 CREWE ROAD DOWNPATRICK

Replacement bungalow

Granted 01/01/1970

R/1998/0221 - 178 CREWE ROAD DOWNPATRICK

Replacement bungalow

Permission Granted 27/4/98

R/2010/0024/F - 178 CREWE ROAD DOWNPATRICK

Rear and side single storey extension.

Permission Granted 19/02/2010

Planning Policies and Material Considerations:

The proposal is considered against the Ards and Down Area Plan 2015 and in addition to this is considered against PPS 21 Sustainable Development in the Countryside Policy CTY1 which states that any extension or additions to a dwelling house would be acceptable where it is in accordance with the guidance set out in Policy EXT1 of the Addendum to PPS 7 Residential Extensions and Alterations and SPPS.

Consultations:

The application site sits near to an Ecclesiastical Site.

HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Objections & Representations:

The application was advertised in the local press on 24th July 2019 which expired on 7th August 2019 and neighbour notification issued on 10th July 2019 and expired on 24th July 2019.

To date there have been no objections received in relation to the proposal.

Consideration and Assessment:

The proposal is for the erection of a shed for the storage of vintage vehicles. The shed would be 5m deep and have a width of 6.2m. The shed would be smooth render at the bottom and green corrugated metal cladding to the upper portion. The roof would have a low mono pitch with a 10-degree slope pitch. The proposed shed would sit some 43m away to the south of the dwelling towards the bottom end of a field where there are currently lambs grazing. This field where the proposed shed would be erected is separated from the garden by a fence.

Officers consider that the shed is to be erected outside of the curtilage of the dwelling. It would be erected beyond the garden fence in an area currently being grazed by sheep and so this is not considered to be residential curtilage. As such the use of the PHD form is incorrect as it should only be used in applications within the curtilage of a building. Notwithstanding this, the proposal will be considered under Policy EXT1 regardless.

• **The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.**

The proposed shed would be set back from the road by 6m. It would have an industrial appearance and design which would be at odds with the rural character of the road. Considering that the shed would be in association with a residential property and not a farmyard setting, it is not considered that a building of this industrial design and corrugated appearance would be visually acceptable within the streetscene of Crew Road.

The proposed shed would be set some 43m away from the dwelling itself which is considered to be a detached location. Officers raise concern that the addition of the shed would create a line of three buildings which have frontage along Crew Road which would constitute ribbon development in the countryside in conflict with CTY8 of PPS 21. As such, it would further be considered unacceptable development in the countryside.

• **The proposal does not unduly affect the privacy or amenity of neighbouring residents.**

The proposed shed would not result in any harm to neighbouring properties by way of loss of light, outlook, privacy or overbearing impact. The proposed site would be well separated from the nearest properties.

• **The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.**

The proposed shed would bring the development close to boundary hedging and shrubs which may need to be removed to facilitate the development, there also may need to be some hedging removed to facilitate the access for the shed. It is not considered that this vegetation contributes significantly to the local environmental quality enough to insist upon its retention.

• **Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.**

Sufficient space remains within the curtilage of the dwelling to park two cars; there is ample parking to the rear of the dwelling as well as a garage. There will also still be suitable space for recreational and domestic purposes. This proposed shed is not located within the residential curtilage so there would not be any shortfall within the curtilage. The proposed development will not impact on either aspect of the above policy requirements.

As discussed, the proposed shed would result in a line of three buildings with frontage along Crew Road. This is contrary to Policy CTY1 and CTY8 of PPS 21: Sustainable Development in the Countryside. The proposed shed would further result in a building which has an industrial design which would be at odds with the domestic nature of the wider site. Finally, the proposed shed would sit outside the residential curtilage of the property as it would sit beyond the garden fence, at the southern end of a neighbouring field. Its detached location would not read as part of the residential curtilage.

Recommendation:

Refusal is recommended.

Refusal Reasons:

1. The proposed development would result in a line of three buildings which constitutes ribbon development in the countryside. This is in conflict with the requirements of Policies CTY1 and CTY8 of PPS21: Sustainable Development in the Countryside.
2. The proposed shed would have an industrial design and appearance which would not be appropriate to the domestic nature of the site. It would therefore

detract from the appearance and character of the surrounding area in conflict with the guidance of Policy EXT1 of PPS7.

Informatives:

The drawing numbers to which this decision relates are: LA07/2019/1031/F 01 – 03.

Case officer:

Authorised by:

Date:

Planning Committee Schedule of 16th October 2019

Planning reference: LA07/2019/1031/F

Proposal: **Proposed dwelling on infill site under Policy CTY8 of PPS 21.**

Applicant: **Mr David Kelly**

Location **178 Crew Road, Downpatrick.**

Recommendation: **Refusal**

Reasons

1. The proposed development would result in a line of three buildings which constitutes ribbon development in the countryside. This is in conflict with the requirements of Policies CTY1 and CTY8 of PPS21: Sustainable Development in the Countryside.

2. The proposed shed would have an industrial design and appearance which would not be appropriate to the domestic nature of the site. It would therefore detract from the appearance and character of the surrounding area in conflict with the guidance of Policy EXT1 of PPS7.

Site Description

The site is located at 178 Crew Road, Downpatrick a rural road which links the Settlements of Ardglass & Strangford.

Existing on the site is a detached single storey dwelling and outbuildings.

The site approx. half an acre in size similar to other dwellings in the vicinity and on this site stood a former Rural District Councils (RDC) labourers cottage which was replaced with the current dwelling in the late 1990's. The site is triangular in shape with mature hedging defining it on all 3 sides, the site also has 2 entrances onto the main road with the main entrance and hard standing to the North adjacent to No180 while access is also gained from the Southern Point via an agricultural type gate.

Site History

R/1996/0762 - 178 CREWE ROAD DOWNPATRICK

Replacement bungalow

Granted 01/01/1970

R/1998/0221 - 178 CREWE ROAD DOWNPATRICK

Replacement bungalow

Permission Granted 27/4/98

R/2010/0024/F - 178 CREWE ROAD DOWNPATRICK

Rear and side single storey extension.

Permission Granted 19/02/2010

Planning Policies & Considerations

RDS

SPPS

PPS 21

PPS2

PPS3

Ards & Down Area Plan 2015

Consultations and Representations

The following consultations were carried out –

HED -The proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Following notifications of the relevant neighbours and advertisement in the local press no objections to the proposal were received either.

Assessment of reasons for Refusal

1. The proposed development would result in a line of three buildings which constitutes ribbon development in the countryside. This is in conflict with the requirements of Policies CTY1 and CTY8 of PPS21: Sustainable Development in the Countryside.

It is contended that the proposal is within the curtilage of a dwelling and is not in conflict with Policy CTY1 & CTY8 of PPS21 and it is further contended that the construction of such a building could be compliant with domestic Permitted Development thus this reason is invalid.

2. The proposed shed would have an industrial design and appearance which would not be appropriate to the domestic nature of the site. It would therefore detract from the appearance and character of the surrounding area in conflict with the guidance of Policy EXT1 of PPS7.

In relation to this reason for refusal it is argued that the design is an appropriate design and is appropriate to the domestic site in which it is proposed, however if the planning Department were to request that the metal sides were changed to blockwork the applicant would be agreeable to such a request, if required the writer can supply examples where such buildings were approved by this Council in recent times.

The proposal is not in conflict with Policy EXT1 of PPS7 as such a building (and bigger Up to half the curtilage) can be constructed under Permitted Development and it has to be noted that the aerial photograph submitted in the officers report shows evidence of such building on the application site and on the adjacent site thus this reasoning is not sustainable.

The writer would state that the proposal does not detract from the appearance and character of the surrounding area rather it takes its inspiration from what exists on and adjacent to the site.

Overview

The first issue which raises concern in consideration of this proposal is how the Planning Department have interpreted the curtilage of the site.

The fact that the applicant has erected internal fencing within the extent of his site does not reduce the extent of the existing curtilage which has been the entire extent of the red line as defined in the submitted location map and which was the subject of previous approvals which have been granted in relation to the site. It is contended that the approval for the replacement dwelling should clarify the extent of the curtilage indicate that the proposal is for a domestic building within the curtilage of a dwelling to be used for domestic purposes thus the officers interpretation is incorrect as the applicant has erected fencing within his curtilage simply to allow his family to rear pet lambs who have been orphaned due to the death of their mother.

The officer's comment that the application has been submitted on the wrong application forms has to be challenged and refuted and to this purpose the definition of the curtilage of the site is very important as we contend that the site / curtilage comprises the area outlined in red thus the correct form has been used and that the site has designated permitted development rights.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2019/0283/O

Date Received:

11/02/2019

Proposal:

Site for dwelling and garage

Location:

30m West of 45 Cranfield Road, Kilkeel, Co. Down

Site Characteristics & Area Characteristics:

The site is within the rural countryside and is outside any development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP, 2015).

The site is located west of No.45 Cranfield Road, Kilkeel. The site is accessed off the western side of the minor public road via an existing laneway which provides access to 6no. other dwellings and Cranfield Hall. The site is located to the rear of No.45 Cranfield Road and south-west of No.45a Cranfield Road; it is currently overgrown with rushes. An undesignated watercourse runs along the southern and western boundaries of the site. South-west of the site is a Caravan park. The boundary to the north which is bound by the garden of No.45a Cranfield Road is defined by a wooden d-rail fence and mesh covering. The southern and western boundaries are defined by mature hedgerow. The boundary to the east is defined by Willow hedge and bound by No.45 Cranfield Road.

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

- DCAN 15: Parking Requirements

Site History:

No relevant site history

Consultations:

Dfl Roads – No objections subject to conditions

NI Water (Multi-Units) – No objections subject to conditions

DAERA – No objections

Rivers Agency – Flood Risk Assessment required

Objections & Representations:

Neighbours notified: 14/03/2019

Advertised: 13/03/2019

Two objections were received from Mr Malachy Lavery on 26th March 2019 and 25th April 2019.

The objection letter dated 26th March 2019, discussed the impact of the proposal on the private amenity space of the objectors dwelling, being No.45a Cranfield Road. The private amenity space of a dwelling is classed as being the first 3-4m directly from the rear of a dwelling [Annex A of PPS 7 (Addendum)]. Given the separation distance of approximately 19m from No.45a Cranfield Road, it is not thought that the proposal would have a significantly greater adverse impact on their private amenity space than that which already exists.

The objector refers to the access as being sub-standard and that the proposal would create intensification of an existing laneway providing access to 7 other dwellings. Dfl Roads were consulted and have no objection to the proposal.

The original letter received 26th March 2019 also goes through the policy tests as outlined under Policy CTY 2a of PPS 21. The objector believes that the site does not form a cluster, as No(s) 5 and 7 Grange Road, use a different access and have an intervening field between them and the site, thus, they could not be considered to form part of the cluster. The visual entity is broken by the intervening fields. The separation distance of 330m from Cranfield Hall, being the focal point is considered to be too big and is broken by the number of intervening fields. The objector does not believe the proposal to be in accordance with the guidance set out in the Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside. These points will be considered further in the assessment of the application below.

The second letter received on 25th April 2019 raised the possibility of Newts which are a protected species being located in a garden pond. A bio-diversity checklist was requested and received as a result. NIEA and SES were further consulted and have no concerns subject to conditions. DfI Roads and DfI Rivers also have no objections to the proposal.

Assessment

Proposal

The proposal is an outline application for the erection of a domestic dwelling and garage. No floorplans or elevations have been submitted with this application, these would be required at reserved matters stage.

Principle of Development

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 un-zoned. 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.

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

PPS 21: Sustainable Development in the Countryside

Policy CTY 1 – Development in the Countryside sets out the types of development which in principle are considered to be acceptable in the countryside. The site layout plan describes the proposal as a proposed site for a cluster dwelling and thus, the proposal will be considered against Policy CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters sets out the criteria to be met for permission to be granted for a dwelling at an existing cluster. The cluster must lie outside of a farm and consist of 4 or more buildings (excluding ancillary buildings such as garages, outbuildings and open-sided structures) of which at least 3 are dwellings.

The proposal is for a dwelling to be located to the rear of No.45 Cranfield Road and where there are 2 buildings within the cluster, both of which are residential dwellings. The agent provided a supporting statement in which he outlined that he felt the proposal clustered with No(s) 5 and 7 Grange Road along with No(s) 45 and 45a Cranfield Road, thus providing 4 residential properties within the cluster. This was considered as part of the assessment of the application; whilst it is acknowledged that the dwellings may be viewed from the subject site, they would not be considered as part of the cluster given the

separation distance of approximately 118m to No.5 and 171m to No.7 Grange Road. This is augmented by the fact that there is an intervening field and the 2 dwellings (No(s) 5 & 7 Grange Road) are accessed by a different road. Building on Tradition further supports this argument of thought as it provides diagrams to show what would and wouldn't be considered as part of a cluster on pages 68 and 69.

Another criteria of Policy CTY 2a is that the cluster must be associated with a focal point such as a social / community building/facility or be located at a cross-roads. The agent makes reference to Cranfield Hall being the focal point. It is accepted that you have to pass the hall along the laneway to access the site however, it is considered that the separation distance of approximately 331m from the site is considered to be too large and would not be considered to be associated with the focal point. It does not visually link nor cluster with the focal point and therefore, is considered contrary to policy.

The site must provide a suitable degree of enclosure and be bound on at least 2 sides with other development in the cluster. The site has suitable boundary treatments which assist with providing a suitable degree of enclosure and is bound by No.45 Cranfield Road to the east and the garden space of No.45a Cranfield Road to the north. However, it should be noted that the extended garden to the rear of No.45a Cranfield Road does not have planning permission and therefore, cannot be considered as part of the assessment. South-west of the site is Chestnutt Caravan Park, a small section of this park bounds the site to the south-west corner. This does not form part of the cluster.

The development of the site should be able to be absorbed through rounding-off and consolidation of the site without significantly altering the character of the area and should not adversely impact on the residential amenity. The proposal site is located to the rear of No.45 Cranfield Road and will use the same laneway which will be extended to travel along the northern boundary of No.45. It is considered given the topography of the land and proximity to the neighbouring dwellings that the proposal would have an adverse impact on the amenity of the neighbouring properties. The proposal fails to meet Policy CTY 2a.

When notified that the proposal failed to meet the requirements of the policy laid out in PPS 21, a supporting statement was submitted by the agent which has been considered in the assessment of the application as outlined above.

All development in the countryside must meet the criteria laid out in Policies CTY 13 and 14. Policy CTY 13 considers the integration and design of buildings in the countryside whilst Policy CTY 14 considers the impact of a proposal on the rural character of an area. This is an outline application and therefore, these policies would need to be considered at the reserved matters/full application stage. However, it is considered that in terms of CTY 14, the proposal would further add to the suburban style build-up of development when viewed with existing and approved buildings and would not respect the traditional pattern of settlement exhibited in the area as it would diminish the plot sizes established in the area.

PPS 2 – Natural Heritage

The site is within 500m of the Carlingford Lough ASSI and SPA, partially within the Cranfield Moraine Site of Local Nature Conservation Importance and is located within the Mourne AONB. As such policies NH1, NH4 and NH6 must be considered.

Policy NH1 – European and Ramsar Sites – International, states that permission will only be granted where the proposal is not likely to have a significant impact on a European Site or Ramsar Site. NIEA have advised that given the size and nature of the proposed development, that the proposal would be unlikely to have a significant impact on the Carlingford Lough ASSI and SPA. SES have confirmed this. Both have provided conditions to be attached should the application be approved.

Policy NH4 – Sites of Nature Conservation Importance – Local, note that development will only be permitted where it is not likely to have a significant adverse impact on the site of conservation importance. The site is partially within the Cranfield Moraine Site of Local Nature Conservation Importance. NIEA (NED) have advised that the proposed dwelling sits outside the SLNCI and as access to the site is already established, the proposal is unlikely to have any impact on the geological interest of the SLNCI.

Policy NH6 – Areas of Outstanding Natural Beauty states that development will be permitted where it is of an appropriate design, size and scale for the locality and respects/conserves features of importance to the character and appearance of the area. As this is an outline application, the design, size and scale of the proposal will be assessed at the Reserved Matters stage.

Recommendation:

Refusal

Conditions/ Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

- the proposed dwelling is not located within an existing cluster of development (consisting of 4 or more buildings of which at least three are dwelling);
- the cluster does not appear as a visual entity in the local landscape;
- the cluster is not (associated with a focal point) and / or is not located at a cross-roads; and
- the dwelling would if permitted adversely impact on residential amenity.

Case Officer Signature:
Date: 29 8.19
Appointed Officer Signature:
Date: 29/08/19

PLANNING OVERVIEW ACCOMPANYING PRESENTATION TO NMDDC PLANNING COMMITTEE

217

LA07/2019/0283/O**Two Storey House and Garage under Policy CTY 2a**

The following were the reasons for refusal listed in the planning report:-

1. **The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
2. **The proposal is contrary to the SPPS and Policy CTY 2a of Planning Policy Statement 21, new dwellings in existing clusters in that:**
 - **The proposed dwelling is not located within an existing cluster of development, (consisting of 4 or more buildings of which at least three are dwelling)**
 - **The cluster does not appear as a visual entity in the local landscape;**
 - **The cluster is not (associated with a focal point) and/or is not located at a cross-roads; and**
 - **The dwelling would if permitted adversely impact on residential amenity.**

The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a new dwelling in an existing cluster under Policy CTY 2a. As the Professional Planning Report states, "There is little change in the SPPS from that of the policies within PPS 21 **and it is arguably less prescriptive. Therefore PPS21: Sustainable Development in the Countryside will provide the material considerations for this application.**"

This development does meet all six criteria set out in Policy CTY2a, as will be outlined below.

1) The proposed development is within a cluster of 4 residential houses (total 7 buildings)– see images below. It clearly reads as a cluster in the landscape. Planning Appeal 2017/A0222 highlights the fact that a loose cluster is considered to be classed as a cluster. The planning report states that "Building on Tradition further supports the argument of thought as it provides diagrams to show what would and wouldn't be considered as part of a cluster on pages 68 and 69." These are examples only and CTY 2a planning approvals exist, where there are numerous examples of different layouts of clusters, i.e LA01/2015/0236/O, LA09/2015/0563/F, LA06/2017/0179/O.

2) It clearly reads as a visual entity in the landscape within a cluster – see pictures attached.

3) You have to pass the focal point of Cranfield Hall every time you arrive or depart from the development site on the private access lane. Planning appeal 2010/A0202 actually negates the need for a focal point.

4) The development is well enclosed, is screened by natural hedgerow/ willow as outlined in the planning report and Cranfield Caravan Park from the Grange Rd and can't be seen from Cranfield Rd due to the topography of the Cranfield Moraine. It is bounded on 3 sides with development (1 unauthorised development at 45a Cranfield Rd). It will not have a detrimental impact on the rural character of the area.

5) This underused site can be easily absorbed into the existing cluster through rounding off and consolidation will not significantly alter the existing character of the rural area. Cranfield Meadows development 8 Plus houses is located a field away and sits abutted to Shanlieve Caravan Site.

6) The planning report stated clearly on page2 that due the site being 19 meters from 45a it would not negatively impact on residential amenity.

In the legal judgement (Lamont vs DoE) in 2014, the CTY 2a policy is not required to be "slavishly" adhered to. The Council's planning officer's objections to the proposed development are that it does not meet the requirements of criterion 1, 2 3, and 6 of policy CTY 2a.

The Council officers seem to be giving the complainant's concerns more weight than the applicant. The complainant's letters were received after the deadline for submissions and indeed statutory agencies were consulted twice on the complainant's request, which is most unusual. My client had the additional cost of having to commission an environmental consultant to submit a biodiversity checklist for an outline permission on the basis of the complainant's alleged newts in his fish pond. The planning officer was advised of the complainants ie. No. 45A unauthorised development (no planning or building control on foundation, block and mortar structures/shed/ canal) during their site visit, whereas, my client is following the proper planning procedures.

The following are the arguments that we want the planning committee to hear in support of this application meets criteria 1, 2, 3 & 6.

1. The proposed dwelling is not located within an existing cluster of development, (consisting of 4 or more buildings of which at least three are dwellings)

This cluster sits outside a farm and does indeed include 4 residential properties in a larger group of 7 buildings. Is sited as a rounding off measure to the existing cluster- 45, 45a Cranfield Rd and Nos 5 & 7 Grange Road. It infills the unproductive gap site between Chestnutt Caravan Park and 45 Cranfield Road which is joined to the cluster. The complainant accepts that "whilst there are indeed 4 dwellings here these are accessed of different roads". In application LA01/2015/0236/O the cluster is approached by a public road and private lane, similar to this application and was granted planning permission with an Orange Hall some distance from the cluster. In successful application LA09/2015/0563/F shows a field & road in the middle of the cluster and adjacent to a mobile home/ caravan storage business near a GAA Club. In application LA06/2017/0179/O, the planning appeal found that "there is a 'loose cluster' of development in this location. Notwithstanding the mature vegetation that defines this part of Craigdarragh Road and that some of the dwellings are screened by said vegetation, there is a strong awareness of the cluster... Criterion two of Policy CTY 2a is met." This appeal defines a loose cluster is acceptable.

2. The cluster does not appear as a visual entity in the local landscape;

You can clearly read the cluster of dwellings in the landscape & it is clearly a well defined node of development in this area physically well defined by Patterson's Lane (access lane to 45, 45a Cranfield Road) & McKee's Lane to (Nos 5 & 7 Grange Road) - see images on previous page. Planning Appeal 2017/A0222 highlights the fact that a loose cluster is considered to be classed as a cluster and meets criterion 2 as a visual entity. The complainant states that because the boundaries don't touch that they aren't a visual entity. Application LA01/2018/1209/O was passed with the development site located across a lane to the other 4 houses in the cluster. This and many other passed applications show that a cluster can have a road/ lane or agricultural field within the cluster and does not need to "slavishly" comply with pages 68 & 69.

3. The cluster is not (associated with a focal point) and/or is not located at a cross-roads; and

We have clearly outlined how you must pass within 5m of Cranfield Hall every time you arrive or leave the proposed site on the access lane (Patterson's Lane), to the proposed site, In successful planning applications LA09/2019/0255/O, LA09/2015/0563/F, LA02/2018/0944/F and LA01/2015/0236/O you travel past the focal point, which is near the proposed cluster development. However, in planning application LA07/2015/0135/O, the planning report states "It is my opinion that permission should be granted in light of planning appeal decisions including 2010/A0202 where the commission considered at paragraph 11 "Whilst the proposal fails the third criterion of Policy CTY 2a of PPS21, it complies with the policies broad overall intent in that it would round off and consolidate an existing cluster of development without changing the characteristics of the area"."

6. The dwelling would if permitted adversely impact on residential amenity.

This point is confusing as the planning officer on page 2 of the planning report states: - "The private amenity space of a dwelling is classed as being the first 3 – 4m directly from the rear of a dwelling (Annex A off PPS7 (Addendum). Given the separation distance of approximately 19m from No. 45a Cranfield Road, it is not thought that the proposal would have a significantly greater adverse impact on their private amenity space than that which already exists." As previously submitted to the planning officer, No 45a was built after No. 45. No.45 looks directly over the front of No 45a.s garden therefore the precedent for overlooking existed when the complainant purchased the plot.

Therefore, on the points raised above I do not agree with the planning officer's conclusion of a refusal and wish this to be brought to the full planning committee for their consideration.

Ian Patterson Agent Mobile 07709911764

PTO See pictures to illustrate points made above.



Cluster - Visual Entity in the Landscape.



No 45, 45A (unauthorised development of garden, shed and structures) and Cranfield Caravan Park bounding the proposed site.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0753/F

Date Received: 03.05.18

Proposal: Proposed new 'Sure Start' nursery building, with additional 3 No. parking spaces provided by extension of existing car park.

Location: Lands immediately to the north of Bessbrook Community Centre within 'the pond field' park at No. 8 Mill Road, Bessbrook

Site Characteristics & Area Characteristics:

Site comprises of an existing community centre facility

Site History:

P/2013/0801/F - Extension to Community Centre to provide Boxing facilities for Sacred Heart Boxing Club with minor alterations to existing centre and provision of extended car park. Refused. (Issues relating to provision of information to satisfy requirements of FLD5 of PPS15)

P/1990/1099 - Erection of community centre. Granted

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Site is within the development limits of Bessbrook, Landscape Policy Area (BK14) and Conservation Area

Area Plan: Proposals adhere to the objectives of new development within the settlement limits. Consideration of development, policy provision and impact upon the designations of the Conservation Area and Local Landscape Area are considered in more detail below.

PPS3: Access, Movement and Parking, DCAN 13: Crèches, Day Nurseries and Pre-School Play Groups (Access Arrangements) and DCAN 15: Vehicular Access Standards and Parking Standards:

AMP2 (Access to Public Road), DCAN13 and DCAN 15: The original access arrangement was restricted in terms of width and ability to provide forward/rear sight visibility. Transport NI in their consultation response dated 25.06.18 expressed concerns with regard to the current access arrangement which was rendered unacceptable for the intensification of the use and was not in accord with the standards of DCAN 15. The agent provided additional information on 15.11.18 which was reconsidered by Transport NI. However, despite the effort at the time to address concerns, DFI in their consultation response dated 14.12.18 were of the same opinion that proposals remain contrary to AMP2.

Since December 2018 the agent has re-examined this issue and revised the access arrangement utilising additional ground to the SE of the site which now overcomes Transport NI previous concerns. Transport NI in their consultation response dated 25.09.19 advise that they have no further objections subject to conditions.

AMP7 (Car Parking and Servicing Arrangements), AMP9 (Design of Car parking) and Parking Standards

Proposals make provision for an additional 3 spaces in addition to existing, however based on the numbers of proposed staff and visitors a total of 6 additional spaces are required. However given the nature and use of the community centre, the existing car park can adequately accommodate proposals. Servicing and manoeuvring within the site can also be achieved without adverse impact.

SPPS and PPS6, Planning, Archaeology and Built Heritage:

Policies BH1, BH2, BH3 and BH4:

HED in comments dated 6th June 2018 advise that on the basis of information submitted they are content that proposals are satisfactory to the SPPS and PPS6.

BH12 – New Development in a Conservation Area

Development proposals are located within the designated Conservation Area of Bessbrook. The site is located immediately to the north of an existing red bricked community centre and situated adjacent and south of the existing pond, with limited views from the public road. The location of development is far removed from the picturesque setting of Fountain Street and Charlemont Square and given its position there is no direct adverse impact upon the setting of the Conservation Area.

The design and finishes are not necessarily that of conservation standard as found in buildings to the north of the pond. However, exception has been given due to the existing context, topography, setting, location and finishes of the existing community centre to which development is situated closest and visually reads. Development is far removed and set apart from the picturesque buildings and landscape to the north.

In this particular case proposals do not detract from the character, appearance or setting and is subordinate to the existing built form. The proposed building is shielded from views by the existing building and the embankment of Bessbrook Pond. Overall proposals fulfil the ethos of this policy.

PPS6 (Paragraph's 2.23 and 2.24 - Landscape Policy Area) and Banbridge/Newry and Mourne Area Plan 2015, BK14: Local Landscape Policy Area:

The local landscape policy area comprise of the mill pond and surrounds. The development proposal in this instance is located adjacent and south of the existing mill pond and to the north of existing community centre facilities. The proposed development is well screened from views due to natural topography as well as existing built form. Existing archaeological sites/ monuments as well as views are protected. Development is not dominant within the local landscape and nor will it detract from the visual appearance of the area.

PPS15: Planning and Flood Risk

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

Proposals lie outside the 1 in 100 year flood plain although part of the site is located within a predicted flooded area relating to surface water flooding. Having checked Rivers Agency flood maps this area appears to be contained to the existing watercourse to the south of the site and a small portion of land to the southern gable of the existing community centre.

Surface water flooding does not appear to directly impact upon the actual position of the nursery facility. As development is not within an actual flood plain the exceptions test do not have to be enacted.

FLD2: Protection of Flood Defence and Drainage Infrastructure and FLD4: Artificial Modification of Watercourses - These provisions of policy are not applicable to the proposed scheme.

FLD3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

The level of hard standing/ buildings proposed at the site are below the threshold of FLD3 and therefore a drainage assessment is not required.

FLD5: Development in Proximity to Reservoirs

The development is situated within the inundation path of Bessbrook Pond as well as Camlough Lake. The agent has been in direct contact with both the Council and Rivers Agency (see email correspondence 03.10.8) with Rivers Agency confirming that information provided to them appears logical.

An email from Rivers Agency dated 14.02.19 also confirms that the Council is working towards appropriate condition assurance for Bessbrook Pond and that documentation has already been sent with respect to Camlough Lake

which demonstrates that the condition, management and maintenance regime of the reservoir is appropriate. The application referenced has been noted as being compliant.

SPPS, PSRNI (DES2), DCAN 11: Access for All and DCAN 13: Crèches, Day Nurseries and Pre-School Play Groups

Proposals are compatible with the existing land use and has been adequately designed for those whose mobility is impaired. The external finishes are not of conservation standards to those found at Charlemont Square and Fountain Street. Notwithstanding this the application site is far removed from these areas but the portion of the building sandwiched between the existing community centre and embankment setting this particular site apart and will not adversely impact upon the setting of the conservation or landscape policy areas.

Environmental Health have expressed concerns upon amenity regarding use of the building and external areas after the nursery is closed resulting in loss of amenity to local residents due to noise disturbance. Consideration has been given to the impact to amenity however the use of planning conditions to restrict hours/ days of opening could be utilised to overcome this issue.

Consultations:

Transport NI (25.09.19) - No objection

Fisheries (22.06.18) - No issues

Rivers (19.06.18) - FLD 1 Development in Fluvial Flood Plain: Proposals lie out 1 in 100 year fluvial flood plain but minor part of the site is located within a predicted flood area as indicated in the Surface Water Flood Map.

FLD2 and FLD4 - Not applicable

FLD3 - Drainage assessment required for all development proposals that exceed relevant thresholds

FLD5 - This development is shown to be within the inundation path of the Bessbrook Pond and Camlough impoundments therefore FLD5 applies to this application.

Environmental Health (04.06.18) - Concerns regarding the use of the building and the external amphitheatre after the nursery is closed for community events and gatherings such as summer screenings and weekend events. The proposal is close to residential properties. Outdoor events have the potential to result in loss of amenity to local residents by reason of noise disturbance.

NIW (13.06.18) - Generic response

HED (06.06.18) - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements

Objections & Representations

1 neighbour re-notified, and additional notification sent 30.09.2019 to 2 additional properties due to a change in the site area to accommodate visibility.

No objections received

Advertised May 2018

Consideration and Assessment:

Overall the Planning Authority have no objection in principle to development proposals. These have been fully considered in line with planning policy, guidance as well as consultee advice.

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 vehicular access, including visibility splays and forward sight distance shall be provided in accordance with Drawing No. bearing the date stamped 02-08-19 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.

3. 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

4. The floorspace comprised in the development hereby approved shall be used only as a nursery and for no other purpose in Use Class D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

5. The nursery building, ancillary grassed terrace and external play area hereby permitted shall not be opened to customers outside the following times 07.30 hrs to 18.00 hrs Monday to Friday.

Reason: In the interests of amenity.

6. During the first available planting season after the operation of the building hereby approved, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with Drawing No. 02 received on the 3rd May 2018 and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

7. 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.

Case Officer

Authorised Officer



Application Reference: LA07/2018/1259/F

Date Received: 20.08.2018 (date valid 22.08.2018)

Proposal: Redevelopment of existing petrol filling station and forecourt to include extension to existing supermarket to provide additional food server, deli space with associated seating and sanitary facilities, replacement of existing petrol pumps, fuel tanks and forecourt canopy with associated signage and additional carparking.

Location: 82 Dundrum Road, Newcastle



The site is located within the town of Newcastle.

Site Characteristics & Area Characteristics

The site has a large petrol station with a larger grocery shop, car parking, 8 fuel pumps, car wash facilities as well as an external ATM machine. This is a large site.



The site is facilitated by 3 vehicular entrances along the Dundrum Road with an additional entrance along the road immediately north of the site which serves a builder's yard, depot, warehouses, a small playground and provides pedestrian access to Burrendale Park Close which fronts onto the Dundrum Road a short distance west of the units.

The eastern boundary abuts the pedestrian footpath of Dundrum Road and is defined by a low red brick wall that continues along the northern boundary. Within the site and adjacent to the northern boundary are the Gas supply tanks secured by 2m high security fences, the drive through car wash with a 1.8m high metal rail fence which changes to 1.8m high metal security fencing and a mature 1.8m hedge which defines the boundary between the site and a car parking area. The vehicular access along the boundary is closed up with a locked gate.

The western boundary is shared with a warehouse and mechanics yard and defined by a 1.8m high security fence and 1.8m high mature hedge.

The southern boundary is defined by fencing and separates the site from the residential dwellings of Mourne Park. This area of the site could be identified as the loading area and is accessed through an internal gate to a yard area, secured by metal fencing that separates and secures the storage area from the large car park area.



The unit is large rectangular flat roofed structure with 2 elements and a small rear extension within the yard area that appears to house refrigerated products as it contains air vent systems visible from the exterior. The building is single storey with 2 different roof heights and finished with flat roof and red walls. It is single storey in level however the height of the building would be approx. 8-9m.

The unit sits within the southern portion of the site and is orientated to face north. The gable that fronts onto the Dundrum Road has no windows and the entrance to the building is along the northern gable elevation.

The site provides 8 fuel pumps which are sheltered by a canopy and has a standard design. The fuel pumps and canopy are within the eastern portion of the site.

Residential properties of Mourne Park neighbour the site to the south. Opposite the site are residential properties of Dundrum Road. To the north and west of the site there is a mix of warehouses and to the north there is also a row of residential properties.

The unit has signage along the shop front and eastern elevation, canopy as well as totem pole signage adjacent to vehicular access along the eastern boundary. The site is flat and covered in tarmacadam's, cement and paving.

Site History:

R/1983/0224 ALTERATIONS & EXTENSION TO FILLING STATION TO PROVIDE NEW SHOP, HOT FOOD - PERMISSION GRANTED

R/1984/0178 ALTERATIONS AND EXTENSION TO PETROL STATION AND NEW ENTRANCE - PERMISSION GRANTED

R/1984/0179 SIGN - PERMISSION GRANTED

R/1984/0725 ILLUMINATED SIGN - PERMISSION GRANTED

R/1985/0653 PORTABLE VAPOR JET HOT WASH UNIT - PERMISSION GRANTED

R/1987/0078 Extension to Filling Station to provide storage accommodation - PERMISSION GRANTED

R/1989/0495 Alteration and extension to filling station and shop with new canopy and underground tank - PERMISSION GRANTED

R/1989/0871 Shop/canopy fascia signs, spreaders, gantry signs and secondary signage - PERMISSION GRANTED

R/1993/0003 Demolition of existing retail units and erection of new retail unit for coal sales only attached to existing shop and erection of automatic car wash - PERMISSION GRANTED

R/1996/0599 Alterations and extensions to petrol filling station - PERMISSION GRANTED

R/1997/0724 Extension to side of existing petrol station/mini market to form ATM building - PERMISSION GRANTED

R/1998/0002 Installation of canopy over autobank unit - PERMISSION GRANTED

R/1998/0003 Internally illuminated autobank surround - PERMISSION GRANTED

R/1999/1022/F Demolition of supermarket, offices, distribution store and part of canopy and replace with a supermarket, offices, distribution store and refurbishment to existing canopy (amended plans) - PERMISSION GRANTED

R/2001/1149/F Installation of bulk LPG storage and automotive dispensing equipment - PERMISSION GRANTED

R/2004/2179/F New retail unit within existing supermarket space - PERMISSION GRANTED

R/2005/1313/F Demolition of existing supermarket, offices, stores and part of forecourt canopy, and replacement with new supermarket, offices and distribution storage and refurbishment of canopy - PERMISSION GRANTED

R/2006/1074/A 2 x single sided free standing display units - PERMISSION GRANTED

R/2008/1057/F Extension to existing supermarket (inc additional retail sales area & deli prep area) with associated adjustments to car parking, forecourt canopy & new entrance facade & new street front facade replacing/upgrading existing elevations (amended plans) - PERMISSION GRANTED

LA07/2018/0209/PAD Redevelopment of existing fuel filling station to include new fuel pumps, fuel tanks and forecourt canopy to replace existing and extension to existing fuel filling station services building to provide additional food preparation area and dining area with new shopfronts, cladding, signage and associated carparking.

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS4 Planning and Economic Development, PPS3 Access, Movement and Parking as well as DES 2 Townscape as identified within Rural Planning Strategy.

Planning guidance will also be considered such as Development Control Advice Note 15 (DCAN15) Vehicular Access Standards, Parking Standards and DCAN4 Restaurants, Café's and Fast Foods Outlets.

The list of planning policy and guidance documents is not exhaustive. Should any additional document form part of the assessment for the proposal it will be included within the report.

Consultations:

Due to the nature of the proposal the Council sought comments from several consultees to ensure full and informed consideration of the proposal. Consultation with Transport NI, NI Water Ltd, Department for Agriculture Environment and Rural Affairs (DAERA) Land, Soil and Air Unit, DAERA Water Management Unit. Advice and Guidance was sought from Environmental Health Unit of the Council.

NI Water Ltd advised the WWTW has available capacity, the site is served by a metered water main, is within 20m of Foul Sewer and Surface Water Sewer is not within 20m of the site.

Department of Agriculture Environment and Rural Affairs (DAERA) Regulation Unit required additional details such as a Contaminated Land Risk Assessment Report, a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA). The applicant provided the details and subsequent revisions/amended information and after consideration The Regulation Unit have no objections to the development provided recommended planning conditions and informative are placed on any planning decision notice.

DAERA Water Management Unit referred to standing advise and need for applicant to demonstrate how contaminated wash waters would be dealt with. This information is detailed within the site layout plan LA07/2018/1259/02 stamp received 05JUL2019 and identifies the location of the new petrol interceptor within the car park, a new contaminated storm system, a new clean storm system, installation of new foul system, and new ACO Channels installed across the existing entrance to connect the contaminated ground water storm system. Therefore, due to the details on the plans it has been demonstrated how the development will deal with contaminated water from site significantly reducing the potential for the proposal, ie extension and redesign of an existing petrol station to adversely affect the surface water environment.

Transport NI required several amendments which included an office meeting with Planning and the applicant's agent to discuss the layout and access arrangements proposed. The most recent layout as detailed within plan LA07/2018/1259/02 stamp received 05JUL2019 has been accepted subject to conditions by Transport NI

Advice and Guidance was sought from Environmental Health. After initial consideration by Environmental Health Unit additional information was sought and provided Environmental Health Unit responded with planning conditions; Environmental Health have no objections in principle to the proposed development provided the following suggested conditions attached to any approval which refer to hours of operation to remain as 06:00 to 23:00 Monday to Saturday and 07:00 to 23:00 Sunday, deliveries to site restricted to between 07:30 and 21:00, all external plan, venting of extraction system to be located as detailed on the site layout.

Objections & Representations

The site was advertised in Mourn Observer and Down Recorder on the 05.09.2018 with statutory expiry 19.09.2018.

97 Neighbouring properties were notified within the neighbour notification process.

1 representation has been received which objects to the changes proposed in relation to the traffic island adjacent to the site and within the Protected Route of the Dundrum Road. Transport NI has been consulted in relation to the details of the scheme and are content with the scheme.

Consideration and Assessment:

The proposal will result in redevelopment of the site to provide relocation of the fuel pumps and associated canopy as well as car wash within the North and Eastern section of the layout which will provide additional fuel pumps. The proposed will extend the retail unit south within the eastern section of the building. This will provide additional floorspace for the small seating area and customer toilets. The ground floor plans illustrate the internal reorganisation of the floorspace.



The Ards and Down Area Plan 2015 does not identify the site as within a specific designation i.e. industrial. Newcastle town sits within the designated Area of Outstanding Natural Beauty.

The Dundrum Road is a protected route and the lands immediately north and west of the site are zoned as industrial within the Area Plan 2015.

The site has the benefit of an established use as a petrol station with its associated retail unit providing a large shop for groceries as well as the sale of hot-food. There is no use class specified within The Use Class Order (Northern Ireland) 2015 for a petrol station or for the sale of hot food to be served off-premises.

The SPPS states that all applications for economic development must be assessed in accordance with normal planning criteria, access arrangements, design, environmental and amenity impacts to ensure safe, high quality and otherwise satisfactory forms of development. The SPPS has superseded PPS5 Retailing and Town Centres.

The SPPS highlights that a positive and constructive approach to determining applications for appropriate sustainable economic development.

Considering PPS4, Policy PED1 states that development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

The extension proposed will facilitate a hot food and seating area. DCAN4 provides advice relating to Restaurants, Caf e's and fast food outlets. While the proposal includes hot food it will be ancillary to the use as a petrol station and food retail ie grocery however the advice note merits consideration. DCAN 4, in relation to hot food sales in shops the guidance refers to hot food as ancillary to the primary use of the land, in this case as a petrol station with food retail and hot food sale would be closely linked and subservient to the primary use.



I will consider the proposal in relation to each of the criteria of PED9:

(a) it is compatible with surrounding land uses;

This criterion refers to the use and its compatibility with surrounding land uses. The site neighbour's industrial warehouses, depot and residential dwellings. The use is well established on site as a petrol station and retail unit. The changes to the canopy, layout and rear extension to provide hot food and seating would not be incompatible with the adjacent land uses provided hours of use do not increase and are conditioned as recommended by Environmental Health Unit and air handling units are positioned where proposed.

(b) it does not harm the amenities of nearby residents;

The proposal must be considered in relation neighbouring residents. The site abuts residential dwellings Nos 25, 27, 29, 31, 33, 35, 37, 39, and 41 Mourne Park as well as 96 Dundrum Road to the north of the site but does not share a boundary with the site as it is separated by the internal road serving the neighbouring warehouses and depot.

The extension of the unit is along the boundaries shared with Mourne Park dwellings and from the information and plans provided would not result in any demonstrable harm.

Planning sought comments from Council's Environmental Health Unit. They sought additional details which the applicant provided and as a result offer no objection subject to condition of operating, and delivery hours as well as position of air vent units.

An objection was submitted from a neighbouring resident located east and opposite the site at No4 The Orchard which refers to the repositioning of the traffic island closer to their entrance. This is a matter for Road Safety and Transport NI will consider the details of the scheme. Through the processing of the proposal several amendments were needed to accommodate road safety concerns and this has resulted in the traffic crossing position on the Dundrum Road remaining unaltered. The objecting party was made aware of the amendments and no additional objections have been received.

(c) it does not adversely affect features of the natural or built heritage;

The proposal would not adversely affect the AONB in which it is located as the design is typical for such a proposal and offers a much better visual aesthetic than the existing unit, site layout, and fuel canopy provide for this roadside site within Newcastle town. The proposal would not adversely affect the features of the natural or built heritage. Policy NH6 of PPS2 Natural Heritage considers new development within a designated AONB and considering the proposal is in relation to an established facility within a Town the proposal would not have an adverse impact on the special character of the AONB.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The site has an established use and the increase of floorspace would not be to the detriment of the locality in terms of flood concerns.

(e) it does not create a noise nuisance;

Environmental Health considered the details of the plans and information provided and the hours of use and air handling units are considered acceptable in terms of noise for the site which is established and neighbour's residential properties. The hours of use, deliveries and air handling units will be conditioned and would not create a noise nuisance if conditions are adhered to.

(f) it is capable of dealing satisfactorily with any emission or effluent;

Council consulted with DAERA The Regulation Unit in relation to potential contamination of the existing site and changes proposed. Additional details and plans were submitted and revised with final comments returned 6th February to advise they were content, subject to planning conditions, that the applicant has presented satisfactory evidence and possible remediation measures have been outlined to accommodate possible effluent in keeping with policy criteria.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

The proposal originally sought to will the existing road network by repositioning the current traffic island north of its current location. This could not be achieved to the satisfaction of Transport NI and a neighbouring resident also raised concerns relating to the impact this would have on the vehicular access of their property located opposite the site. Through consideration, office meeting with Transport NI and the applicants Planning Agent facilitated by planning several amendments have been submitted and the proposal has now met with Transport NI standards and this has been achieved with no alteration in the position of the pedestrian crossing. The internal layout is workable and Transport NI as the statutory consultees in relation to road safety, consider the details of the proposal to be acceptable.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Parking provision for the existing site is well accommodated however it lacks formality which the proposed site layout will overcome. The Parking Standards have been considered.

Parking Standards refers to Petrol Stations within Sui Generis and refers to 1 space per pump position, a space for fuel tanker, minimum of 1 lorry space and as well as that required by additional uses ie retail. The proposal includes retail space and hot-food which require; food retail ration of 1 space per 14sqm of gross floor area (GFA) with 1 lorry space per 500sqm GFA, and hot-food is identified within Parking Standards under several different description and none of the descriptions relate to hot food served in a service station within the development limits such as this proposal. The floorplan identifies an area for food consumption I will consider requirements for restaurants within development limits which is 1 space per 5sqm of net floor space NFA. The car wash is an existing facility however Parking Standards note 5 waiting spaces. The car parking spaces for pumps, tanker and the car wash must not impede entry or exit.

Considering Parking Standards, the proposal would require 33 spaces for restaurant and 49 for the existing non-food retail with a total of 82 spaces needed. The proposed layout details a total of 76 parking spaces. This falls short of that which is required however the layout includes several additional spaces at the fuel pumps which I have not included within the total and with their inclusion the proposal satisfies the parking required for the proposal as well as fuel tanker, lorry space, and waiting spaces that would not impede entry or exit from the site.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The alterations proposed for the site layout include loss of an access along the Dundrum Road. This provides a more feasible access arrangement onto the Protected Route of the Dundrum Road. It also ensures car parking provision and internal access layout will be facilitated without detriment to road safety. This will also provide protection for pedestrians as the layout also details internal pedestrian routes which creates a visual aid for pedestrian movements through the site which are finished with asphalt.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

The site layout details retention of the existing trees and hedgerows along the boundary with landscaped areas provided to soften the established boundaries along the northern boundary as well as additional landscaping along the southern boundary adjacent to the extended building along the boundary shared with residential dwellings of Mourne Park.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

As identified within consideration of (j) the proposal includes suitable screening and landscaping details to accommodate the site.

(l) is designed to deter crime and promote personal safety;

This criterion must be considered and while the layout and plans cannot guarantee crime prevention the layout provides sufficient overlooking of the space, with additional entry along the eastern roadside elevation and windows which will provide a more suitable roadside elevation and ensure this area of the site and car parking can be overlooked by the staff and customers.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

This is not applicable in this case as the site is located within the settlement of Newcastle Town and the impact on Townscape will be mitigated through planting along the boundary. The proposal would not offend DES 2 of the Rural Planning Strategy.

Recommendation:

Approval – The use is established on site. Potential contamination has been considered by DAERA who offer no objections subject to several recommended conditions. Environmental Health considered the scheme and advised of operating and delivery hours to protect the amenity of the adjacent residential properties. The extension is to an established facility. It would be beneficial for the site as it will provide a more structured exterior plan which would be more user friendly than the existing layout. The extension to the retail unit would not be detrimental to the Town as the retail unit is already facilitated on site with hot food provided for off-site consumption.

Objection to the proposal have been considered.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

The site shall only be used as a petrol filling station, and no part shall be used for the sale, display, or repair of vehicles.

REASON: To ensure the character of the area or the living conditions of adjoining and nearby residents are not harmed.

Planning Conditions as recommended by DAERA:

1. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Guidance for Pollution Prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Conditions 3 and 4 will apply.

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

2. Evidence must be presented in the Verification Report as per Condition 4 that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution Prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Associated waste management evidence should be provided via this Verification Report in relation to waste management classification and waste consignment and/or transfer to suitably permitted facilities. Should contamination be identified during this process, Condition 3 will apply.

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

3. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

4. After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Planning Conditions as recommended by Environmental Health Unit:

1. The hours of operation to remain as 06:00 to 23:00 Monday to Saturday and 07:00 to 23:00 Sunday
2. Deliveries to the site must only occur between 07:30 and 21:00.
3. All external plant to be located as shown in Drawing No. 03-02 from Clarman.
4. Venting of extraction system to be located as shown in Drawing No. 03-02 from Clarman.

REASON: To safeguard the living conditions of residents in adjoining and nearby properties.

Planning Conditions recommended by NI Water Ltd:

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

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

All services within the development should be laid underground.

REASON: In the interests of visual amenity

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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

Application Reference: LA07/2019/0161/F

Date Received: 21/01/2019

Proposal: Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture, and all associated works including new pedestrian path in St. Colman's Park.

Location: Hill Street, O'Hagan Street, Mill Street, Bridge Street, John Mitchel Place and St Colman's Park, Newry.

Site Characteristics & Area Characteristics:

The application site comprises several streets within Newry City Centre, the primary retail core, areas of primary retail frontage, Newry Conservation Area, Local Landscape Policy Area (NY114) and an Area of Archaeological Potential. The scheme extends from John Mitchell Place and St Colman' Park towards Hill Street branching off along O'Hagan Street, Mill Street and Bridge Street. The scheme includes and is in close proximity to Listed Buildings: First Non-Subscribing Presbyterian Church at John Mitchell Place, Ballybot Bridge, Parish Church of St. Mary (C of I) at John Mitchel Place, 21 St. Colman's Park, 9 John Mitchel Place and 7-19 St Coleman's Park.



Existing paving on John Mitchell Place

Planning Policies & Material Considerations:

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Newry Conservation Area Guide

Site History:

There have been numerous planning applications in the vicinity of the area however only one is relevant.

- **LA07/2019/0625/LBC-** Public realm improvement scheme to include upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture, and all associated works at Ballybot Bridge, Mill Street, Newry. This application is under consideration in tandem with this planning application.

Consultations:

- **DFI Roads-** No objections to this proposal. Conditions provided,
- **Historic Environment Division**

13/03/2019

HED Historic Buildings has considered the proposal and on the basis of the information provided, advises that it may have an adverse impact on the listed buildings, subject to requested information being provided and assessed under paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED: HM agree with the recommendations made within the Modern Disturbance Review report.

08/05/2019

HED Historic Buildings(HED: HB) has considered the proposal and on the basis of the additional information provided (publish dates 16 & 18/04/2019), advises that the proposals exert no greater demonstrable harm on the settings of the listed buildings, under paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED Historic Monuments (HED: HM) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED: HM agree with the recommendations made within the Modern Disturbance Review report.

Objections & Representations:

208 neighbours were notified of the application with the neighbour consultations expiring 07/03/2019. The application was advertised within three local newspapers, statutory expiry on 27/02/2019. One response was received stating no objection to the proposal.

Assessment**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

Paragraph 6.18 of the SPPS states 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 exist.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

This application is an environmental improvement scheme, this includes the provision of new stone paving, asphalt surfacing, street lighting and street furniture. Following receipt of consultation responses and internal discussions, correspondence was issued on 10th May 2019 requesting that the natural stone paving for John Mitchel Place is extended into the street in lieu of asphalt, both sides, given that it forms the setting to so many listed buildings. Subsequent to this there has been several internal meetings and meetings with DFI Roads, a compromise has been reached which will provide granite surfacing on lower section of St Colman's Park, granite setts between 7-19 St Colman's Park and bitmac surfacing to the remainder.

HED have advised that the proposal exerts no greater demonstrate harm on the settings of the listed buildings under Para 6.12 (setting) of the SPPS and Policy BH11 (Development affecting the Setting of a Listed Building) of PPS6.

HED Historic Monuments (HED: HM) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED: HM agree with the recommendations made within the Modern Disturbance Review report

The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS and Policy BH12 of PPS6.

DFI Roads are content with the proposal in terms of PPS3.

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. Where asphalt is laid next to curtilage structures and surfaces (dwarf walls, railing bases, stone flagging), a separating membrane shall be employed

Reason: to allow for reversibility without causing damage

3. The development hereby approved shall not be commenced until the applicant has submitted to and received in writing from the Council approval for a scheme for the highway improvements indicated generally on drawing No 01 dated 21 January 2019.
Reason: In the interests of safety and the convenience of road users.

4. Adequate road drainage throughout the entire site shall be provided to the satisfaction of Roads Service. Exact locations to be agreed on site with the Department prior to the commencement of works on site.

Reason: In the interests of safety and the convenience of road users.

5. The works hereby permitted shall not come into operation/use until the works comprised in the highway scheme referred to in condition 3 have been fully completed and so certified by the Department in writing.

Reason: In the interests of safety and the convenience of road users.

Informatives:

1. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, the developer is required to enter into a licence agreement with the Department for Infrastructure, Roads Service for the carrying out of the road works at various named roads prior to the commencement of any works on the public road network.
2. Final details of the highway improvements directly related to the development referred to in condition 1, should be agreed with the Department for Infrastructure Roads Service prior to the issue of the licence, which can take 3-4 months to process.
3. Notwithstanding the terms and conditions of the Department's approval set out above, the applicant is required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in the public roadway.
4. Traffic management arrangements to facilitate the construction of the development and associated road works hereby approved shall comply with the requirements of the Safety at Street Works and Road Works Code of Practice issued by the Department for Infrastructure (Northern Ireland) under Article 25 of the Street Works (Northern Ireland) Order 1995. Detailed proposals shall be agreed with Traffic Section, Rathkeltair House in advance of the commencement of any works that may affect the public road network and, where appropriate, shall be subject to the approval of the PSNI Road Policing Unit.

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:



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

Application Reference: LA07/2019/0576/F

Date Received: 12.04.2019

Proposal: The application is for full planning permission for an environmental improvement scheme.

Location: The application site is located within the settlement of the village Dundrum. It is also located within Dundrum Area of Townscape Character (ATC) as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site comprises a length of street comprising Main Street and including road junctions at Manse Street and School Hill. The site is located within the settlement limits of Dundrum

and an AoNB and ATC. The proposal includes new granite paving, footpaths of various materials, stone walls, piers, tree planting, new seating and litter bins, removal of overhead wires, and fencing.

Site History:

No relevant history

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 6.

Consultations:

DFI Roads – No objections

NI Electricity – No objections

Historic Environment Division – No objections subject to retention of the historic bollards at 151 Main Street.

Objections & Representations

In line with statutory requirements 86 neighbours have been notified on 09.05. Seven letters of representation were received in relation to the proposal. The application was advertised in the Mourne Observer and the Down Recorder on 01.05.2019.

The main points of the letters includes:

- **Relating to areas 1 and 5**
 - 3 bar wooden fence is not aesthetically pleasing, the planned height would reduce the vista especially for elderly and disabled, fence would be exposed to salt water requiring more maintenance and subject to vandalism. An alternative would be to re-instate the seaward railway line protective stone wall which would provide a heritage feature.
 - The wooden fence not a high quality treatment that is both adjacent to a trunk road and the ASSI & SAC
 - Both areas within ATC and valued areas of open space
 - Laneway at side of Keenan Commercials needs to have a surface covering suitable for vehicular use and tractors

Granite paving for area 4 and 6

- The use of granite paving on slopes is a health and safety issue as they become hazardous in wet conditions
- Granite paving needs regular cleaning and maintenance to remain visually pleasing
- The expense of using granite whose appearance deteriorates rapidly in the short term is not justified when a cheaper alternative surface would be safer and more easily maintained

Removal of concrete bollards in Area 6

- 'concrete' bollards are actually made of granite and are over 100 yrs old and are of historical significance to the village and as such they need to remain in situ

Timing of planned work

- Needs to be co ordinated with other services as Dundrum has experienced severe disruption
- Plans to trim back trees and shrubs needs to be done at an appropriate time of the year
- Other objections include the removal of the whin bushes as they provide food for bees, birds etc
- Use of more litter bins in better locations, benches with backs

These are just some of the main points taken from the letters for full detailed letters please see the file.

Consideration and Assessment:

The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) are material in all decisions on individual planning applications and appeals. During the transitional period until the Council has adopted a Plan Strategy for its area, the SPPS and retained planning policy statements are applicable. With regard Listed Buildings, the SPPS states

The Proposal is an Environmental improvement scheme along Main Street adjacent to Sacred Heart Catholic Church extending to the junction with School Hill adjacent to Dundrum Bay Holiday homes site also incorporates an area east of Murlough Bay Court to the rear of Kennan Commercials 30 Main Street and bordered on the north by the former boat building Quay

The proposal will utilise the following materials

- Granite paving in multiple sizes to pavements
- Coloured coating to road surface

The proposal is for replacement street lighting and paving along sections of existing footway/junctions in Dundrum.

SPPS

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. 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.

6.21 Areas of Townscape Character (ATC)

In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. Consent for the display of an advertisement in an ATC should only be granted where the overall character and appearance of the area will be maintained,

and the proposal meets the requirements of strategic policy on the Control of Outdoor Advertisements. (For the purpose of the SPPS all references to Areas of Townscape Character should be read as including Areas of Village Character).





PPS 6 Policy BH 11 Development affecting the Setting of a Listed Building

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

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

There are a number of Listed Buildings on Catherine Street which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

- 6 Main Street – B1
- 8 Main Street – B1
- 10 Main Street – B1
- 93 Main Street – B
- 97 Main Street – B
- Church of the Sacred Heart Main Street – B (including gates walls and railings)

HED were consulted on the proposed development and have considered the impacts of the proposal on the buildings, and on the basis of the information provided, advise it considers the proposal satisfies Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS 6 Addendum – Area of Townscape Character Policy

Policy ATC 2 - New Development in an Area of Townscape Character

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

The proposal which entails replacement paving with granite paving and granite setts, coloured road surface and replacement street lighting, fencing, stone walls and piers, tree planting, new seating and litter bins and shall not have a detrimental impact on the integrity of the Dundrum ATC and would be acceptable visually. With regard to the letters of objections/concern, HED have conditioned the bollards to be retained along Main Street. In terms of the fencing that has been proposed along areas 1 and 5, whereby it is considered the use of a stone wall along these areas would be a more suitable alternative and would be more sustainable in terms of upkeep and maintenance, whilst this may be more desirable, the Planning Authority has to assess the proposal that is before it. The fence, therefore has to be assessed on its own merits and it is considered that it would not have a detrimental impact on the integrity of the ATC. The use of granite paving has been used in other areas of the Council and is considered to be an acceptable paving material, the maintenance of such materials in the future would be a matter for the Council. HED have recommended retention of the granite bollards and the plans have been amended to reflect this. With regard to the timing of the works to undertake this, should approval be granted, then this would be a matter for the Council.

With regard to the removal of the whin bushes, planning will inform the applicant of their obligations under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). With regard to the other issues, the Council have not made any further comments with regard to the letters of objection and Planning are content that all 'planning' matters have been given due consideration and would not in this case give determining weight against the proposal.

NIE were consulted as part of the consultation process and having discussed with application with the agent are now satisfied that the proposal in its current form will have minimal impact on the electricity network. Furthermore, there this engagement has been agreed to continue in order to facilitate a site visit during the construction works and to comply with any safety mitigation, such as height restrictions or safety distances.

Conclusion

Taking into account all material considerations including the letters from residents in Dundrum and responses from all consultees, the proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation:

Approval

Conditions:

Time, retention of bollards, landscaping.

Case Officer Signature

Date

Appointed Officer Signature

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0625/LBC

Date Received: 15/04/2019

Proposal: Public realm improvement scheme to include upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture, and all associated works.

Location: Ballybot Bridge, Mill Street, Newry

Site Characteristics & Area Characteristics:

The application site comprises Ballybot Bridge located within the settlement of Newry and which is listed (Grade B2). The site forms part of a larger public realm improvement scheme which extends from John Mitchell Place and St Colman' Park towards Hill Street branching off along O'Hagan Street, Mill Street and Bridge Street.



Application Site

Planning Policies & Material Considerations:

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Newry Conservation Area Guide

Site History:

There have been numerous planning applications in the vicinity of the area however only one is relevant.

- **LA07/2019/0161/F-** Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture, and all associated works including new pedestrian path in St. Colman's Park. This application is under consideration in tandem with this planning application.

Consultations:

- Historic Environment Division, Historic Buildings (HED: HB) has considered the proposal and on the basis of the additional information provided advises that the proposal satisfies Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Objections & Representations:

No neighbours were required to be notified of the application and it was advertised within three local newspapers, statutory expiry on 22/5/2019. No objections or submissions have been received.

Assessment**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

Paragraph 6.18 of the SPPS states 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 exist.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

This application is an environmental improvement scheme to include the upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture, and all associated works

HED have advised that the proposal satisfies Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

The proposed scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS and Policy BH12 of PPS6.

Recommendation: Approval

Conditions:

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0500/F

Date Received: 07/03/2019

Proposal: Extension of car park and fencing

Location: Derryleckagh Playing Fields, Ballyholland Road, Newry, BT34 2NW

Site Characteristics & Area Characteristics:

The application site relates to part of an existing playing fields facility located to the north of Ballyholland Road, the site is located outside any defined settlement limits. The surrounding area comprises predominately agricultural fields. The application site is located within the strategic 1 in 100 year fluvial flood plain of the Clanyre and Derryleckagh- Ballyholland Rivers.



Application Site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15- Planning and Flood Risk

Site History:

- *P/1985/0568*- 11kv Overhead Line - Drawing No. Cra 8679 At Ballyholland Townland And Derryleckagh Townland. Permission granted
- *P/1984/0548*- Sports pavilion at Derryleckagh Playing Fields, Newry. Permission granted
- *P/1981/0883*- Proposed playing fields at Derryleckagh, Newry. Permission granted
- *P/1980/1156*- Site for Playing Fields At Ballyholland Road, Derryleckagh, Newry. Application Withdrawn.
- *P/1975/0765*- Proposed use of land for new playing fields & pavilion for Newry school at Derryleckagh, Newry, County Down. Application Withdrawn.

Consultations:

- *DFI Roads*- No objections to the proposal.
- *DFI Rivers*- Following receipt of a Flood Risk Assessment, DFI Rivers have no objection to the proposal.

Objections & Representations:

No neighbour were required to be notified and the application was advertised in three local papers with a statutory expiry date of 01/05/2019. No objections or representations have been received.

Assessment

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. The application site is located in the settlement development limit of Ballyholland. It is located within an existing area of open space and is to the rear of an existing community centre.

The proposal is considered to comply with Policy ECU 1 Education, Health, Community and Cultural Uses as the proposal will have no impact on amenity or biodiversity, will not prejudice the comprehensive development of surrounding lands, is in keeping with the character of its surroundings and will have no impact on the access, parking or sewage disposal arrangements. The proposal will have a community benefit for Ballyholland and is considered to be in an appropriate location within the grounds of a community centre.

Policy OS1 of PPS8 states that development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. Whilst the proposed play park is located on lands zoned for open space, the proposal will create an outdoors play area which would bring about substantial community benefits for the area. Community consultation was undertaken by the applicant to ascertain where locals would like the play park to be located and 77% of respondents stated they would like it to be located beside the Community Centre. The proposal is considered to be in accordance with Policy OS1 as substantial community benefits would result from the proposal.

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.

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.

Case Officer Signature:

Date:

<p>Appointed Officer Signature:</p> <p>Date:</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1245/F

Date Received: 08.08.2019

Proposal: Implementation of a pedestrian footpath to join into existing pedestrian footpath.

Location: Approximately 75m SW of 58 Derrymore Road, Newry

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Newry City as defined within the Banbridge / Newry and Mourne Area plan 2015. The site is an area of road verge on the edge of Derrymore Road, the site is positioned adjacent to an existing footpath.

The site is located on the edge of a busy road, adjacent to the site are agricultural fields although there are a number of buildings in the area including residential areas.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

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

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

Consultations:

DFI Roads – No objections, conditions suggested.

Objections & Representations:

The application was advertised on 28/08/2019 and 5 (five) neighbouring properties were notified on 21/08/2019, no representations or objections have been received.

Consideration and Assessment:

Planning Policy Statement 3 – Access, Movement and Parking is the primary policy to be considered for development of this type. The proposal aims to provide an additional

area of footpath along the edge of Derrymore Road, the new area of footpath will provide a safe pedestrian area at what is currently a roadside verge.

DFI Roads was consulted given the type of development, no objections were raised and as such it is considered that the proposal is in keeping with relevant policy requirements.

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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No 04 bearing the date stamp 08/08/2019.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The development hereby permitted shall not be commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Rivers Agency will require to be consulted regarding the discharge of any storm water into an existing water course prior to commencement of building works on site.

Any telegraph poles / street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of Transport NI.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

4. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

5. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section.

(These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

6. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer in accordance with the Department's specification (Design Manual for Roads and Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interests of road safety and traffic progression.

7. The gradient of a private access shall not exceed 8% for the first 5 metres outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interests of road safety.

8. Prior to the commencement of any road works, the developer shall provide a detailed programme of works and associated traffic management proposals to DFI Roads for agreement in writing.

Reason: To facilitate the free movement of road users and the orderly progress of work in the interests of road safety.

9. The developer shall contact DFI Roads Traffic Management prior to the commencement of works on the site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: In the interests of road safety and traffic progression.

Informatives

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

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

2. Separate approval must be received from Dfi Transport NI in respect of detailed standards required for the construction of streets in accordance with the Private

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

3. Under the terms of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Transport NI, Street Lighting Consultancy, Benson Street, Lisburn. The Applicant is advised to contact Transport NI Street Lighting Section at an early stage. The applicant/developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) Order 1980.

4. It is a Transport NI requirement that all structures which fall within the scope of the current version of DB2 Technical approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted for the Technical Approval Authority through the relevant division.

5. The development shall not be commenced until a Certificate issued by a chartered structural engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by DfI Transport NI. This certificate should state:

"I/We certify all reasonable professional skill and care has been used in the design and check of the above named structure in accordance with the following design standards and advice notes".

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

7. Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant division. Geotechnical Certification shall be in accordance with the Department of Infrastructure's Geotechnical Certification procedures as laid down in the current version of HD22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

8. 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.

9. 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:

Date:

Authorised Officer:

Date:

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 09 MAY 2018			
LA07/2017/1326/F	Peter Morgan – dwelling and garage on a farm – 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlarney	Application considered at August 2018 meeting – agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent. Further meeting on site, siting agreed awaiting amended drawings from agent. Amended Drawings received on 16 April 2019. Currently being processed. Decision Issued	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1721/F	Millvale Services Ltd – proposed parking for neighbouring Millvale Service Station – Millvale Road, Bessbrook	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.	Pat Rooney	21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18. Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity. Remains under consideration	N
PLANNING MEETING – 1 AUGUST 2018					
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas	Annette McAlarney	Await legal advice.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>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</p>			
		<p>PLANNING MEETING – 29 AUGUST 2018</p>			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneywabane, Ballynahinch.	<p>Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting</p>	Annette McAlarney	<p>Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>returning to consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened. Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.</p> <p>No application submitted to date 04/06/2019</p> <p>Application for poultry houses received</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				LA07/2019/0953/F on 13/06/2019 Being processed.	
		PLANNING MEETING - 13 FEBRUARY 2019			
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 between 54 and 58 Edenappa Road, Jonesborough	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N
LA07/2018/0820/F	Erection of a semi-detached pair of dwellings and associated car parking – lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.	A McAlarney	Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee – DEFER Under consideration	N
		PLANNING MEETING – 13 MARCH 2019			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/0753/F	Proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook	Defer to allow further discussion regarding access and parking to take place with Planning Officials; Dfi Road and the applicant	P Rooney	On list for October Planning Meeting as an approval	Y
		PLANNING MEETING – 26 JUNE 2019			
LA07/2018/0930/F	New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2PIB apartments and 1 No. 2PIB wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0 – 41 Belfast Road, Newry	Defer for a site visit	M Keane	Site visit held – 08-07-2019 – application returned to July Committee Meeting – agreed to defer for further discussions between applicant/planning officers to see if an acceptable proposal can be agreed and decision making powers be delegated to Planning Officers	N
		PLANNING COMMITTEE MEETING – 24 JULY 2019			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	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.	A McAlarney	Application to come back to Committee Under consideration.	N
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2019			
LA07/2019/0830-F	Erection of 2 no. infill dwellings – land NW of 11 Wateresk Road, Dundrum	Site visit to be held on 02-10-2019 - insufficient Councillors attended to ensure a quorum – will have to be rescheduled	A McAlarney	On schedule for October Committee Meeting – reschedule site visit	
LA07/2017/1235/F	Demolition of No. 31 and erection of two shop units on ground floor with 4 No. apartments on first and second floors – No. 31 Cardinal O’Fiaich Square, Crossmaglen	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson		
LA07/2018/1670/F	Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Road Road – 30m NE of 6 Main Street, Camlough	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson		
LA07/2018/1614/0	Dwelling on a farm – 50m south of No. 24 Island Road, Attical, Kilkeel	Site visit held on 02-10-2019	M Keane	On schedule for October Committee Meeting	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/0860/F	Proposed replacement dwelling (amended drawings) – 45 metres NE of No. 14 Rath Road, Clonallon Glebe tb Warrenpoint	Defer for further discussion between Planning Officers and agent/applicant – additional information to be provided	M Keane		

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1. Live Applications

MONTH 2019/20	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	177	1,173	269
May	192	1,196	266
June	155	1,184	264
July	139	1,157	250
August	127	1,108	249
September	110	1,026	241

2. Live Applications by length of time in system

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	1,173
May	718	212	81	61	124	1,196
June	718	202	86	57	121	1,184
July	664	243	76	51	123	1,157
August	632	227	77	44	128	1,108
September	574	211	70	45	126	1,026

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3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79
June	73
July	76
August	76
September	76

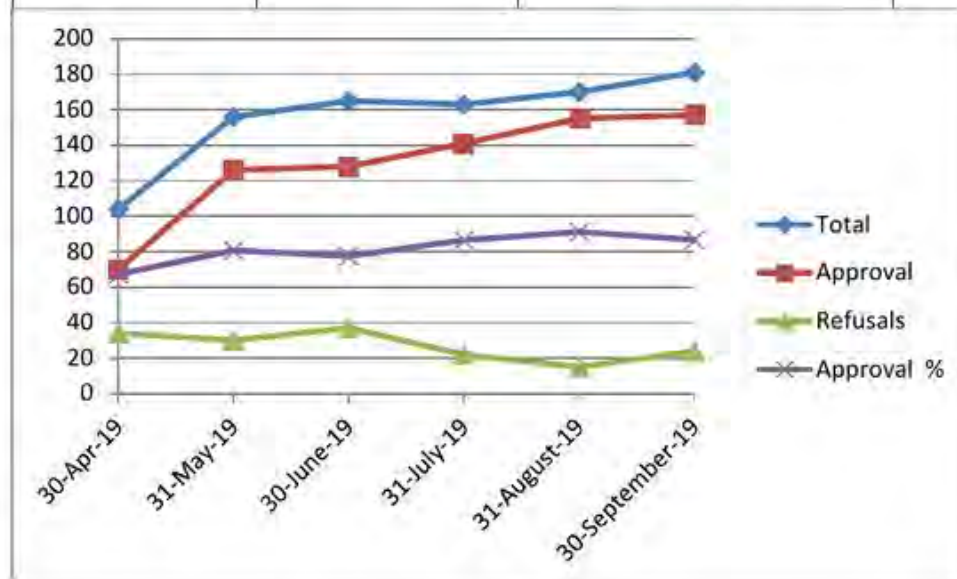
4. Decisions issued per month

Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152
June	165	148
July	163	157
August	170	142
September	181	158

Newry, Mourne & Down District Council – September 2019

5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
April	104	Approvals (70)	67%
		Refusals (34)	33%
May	260	Approvals (196)	75%
		Refusals (64)	25%
June	425	Approvals (324)	76%
		Refusals (101)	24%
July	588	Approvals (465)	79%
		Refusals (123)	21%
August	758	Approvals (620)	82%
		Refusals (138)	18%
September	939	Approvals (777)	83%
		Refusals (162)	17%



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6. Enforcement Live cases

Month 2019/20	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	329	230	183	79	63	179	1,063
May	308	247	174	85	62	178	1,054
June	286	249	171	83	61	174	1,024
July	283	261	166	83	60	170	1,023
August	264	256	179	81	55	175	1,010
September	248	264	179	89	45	174	999

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
10 April 2019	17	11	6	5
29 May 2019	15	12	3	5
26 June 2019	16	13	3	3
24 July 2019	27	18	9	8
21 August 2019	34	29	5	5
18 September 2019	17	12	5	6
Totals	126	95	31	32

8. Appeals

Planning Appeal Commission Decisions issued during September 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	22	4	2	1	1
Down	26	4	1	4	0
TOTAL	48	8	3	5	1

Newry, Mourne & Down District Council – September 2019

Statutory targets monthly update – July 2019 (unvalidated management information)

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	1	51.8	0.0%	162	81	22.0	22.2%	28	66	192.0	30.3%
May	1	1	600.0	0.0%	150	138	21.1	28.3%	29	36	85.4	44.4%
June	2	3	230.8	33.3%	121	145	24.6	22.1%	25	48	114.7	37.5%
July	0	-	0.0	0.0%	107	151	20.0	36.4%	41	43	168.6	30.2%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	5	230.8	20.0%	540	515	21.8	28.0%	123	193	134.4	34.7%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued, or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 Sept. 2019

DATE	CALLER	ISSUE	REFERRED TO	MODE	DATE CLEARED
1/7/19	C McGrath MLA	Meeting requested	A McAlarney	Direct e mail	1/7/19
" "	C Hazzard MP	Query	A McAlarney	Direct e mail	2/7/19
" "	ClIr T Andrews	Call in request	A McKay	Direct e mail	18/7/19
2/7/19	Dominic for C McGrath MLA	Request for site visit	A McAlarney	E mail sent	2/7/19
3/7/19	C McGrath MLA	Request for meeting	A McAlarney	Direct e mail	3/7/19
" "	ClIr McAteer	Request for updates	P Rooney	Telephone call	3/7/19
" "	C McGrath MLA	Request for meeting	A McKay	Direct e mail	14/8/19
4/7/19	ClIr D Curran	Update requested	A McAlarney	E mail sent	4/7/19
" "	C Hazzard MP	Update requested	A McAlarney	Direct e mail	4/7/19
5/7/19	ClIr D Taylor	Update requested	A Davidson	E mail sent	5/7/19
9/7/19	ClIr G O'Hare	Update requested	A Davidson	Call transferred	9/7/19
" "	C McGrath MLA	Update requested	M McIlhone	Call answered	9/7/19
" "	ClIr R Howell	Update requested	A McAlarney	Call transferred	9/7/19
10/7/19	E Rogan MLA	Updates requested	A McAlarney	Call transferred	10/7/19
19/7/19	ClIr D Curran	Update requested	A McAlarney	Call transferred	19/7/19
23/7/19	ClIr O'Hanlon	Update requested	M Simons	Call answered	23/7/19
" "	ClIr L McEvoy	Meeting request	A McAlarney	Direct e mail	25/7/19
24/7/19	C McGrath MLA	Meeting request	A McAlarney	Direct e mail	25/7/19
25/07/19	ClIr Gareth Sharvin	Query	Davy Watson	Call answered	25/07/2019
25/7/19	ClIr S Doran	Meeting request	P Rooney	Direct e mail	26/7/19
" "	ClIr W Clarke	Query	A McKay	Direct e mail	26/7/19
" "	ClIr Doran	Status request	M Keane	Email sent	29/07/19
27/7/19	ClIr L McEvoy	Meeting	A McAlarney	Direct e mail	29/7/19
29/9/19	Dominic for C McGrath MLA	Query re: delegated list	M McIlhone	Call answered	29/9/19
31/7/19	Dominic for C McGrath MLA	Update requested	A McAlarney	Call transferred	31/7/19
" "	ClIr L McEvoy	Planning advice	A McAlarney	Direct e mail	31/7/19

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 Sept. 2019

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DATE	CALLER	ISSUE	REFERRED TO	MODE	DATE CLEARED
31/7/19	Cllr L McEvoy	Planning advice meeting request	A McAlarney	Direct e mail	31/7/19
1/8/19	Wm Ervine MLA	Follow up to meeting	P Rooney	Call transferred	1/8/19
5/8/19	Cllr S Doran	Query	D Watson	Call transferred	5/8/19
" "	Cllr G O'Hare	Update	M Keane	Call transferred	5/8/19
" "	Cllr V Harte	Update requested	A Davidson	Direct e mail	6/8/19
6/8/19	Cllr W Walker	Update requested	M Keane	Direct e mail	6/8/19
" "	C Hazzard MP	Meeting request	A McKay	Direct e mail	13/8/19
9/8/19	Cllr R Howell	Update requested	A McAlarney	Call transferred	9/8/19
12/8/19	Cllr G Craig	General Enquiry	P Rooney	Call transferred	12/8/19
" "	Cllr D Doran	Request for meeting	P Rooney	Direct e mail	13/8/19
13/08/19	Cllr D Taylor	Update request	Ashley Donaldson	Call transferred	13/08/19
" "	Cllr D Taylor	Discussion	Mark Keane	Email sent	-----
" "	Cllr D Curran	Meeting request	A McAlarney	F. mail sent	15/8/19
" "	Cllr S Doran	Meeting confirmed	P Rooney	Direct e mail	13/8/19
14/08/19	S Ennis MLA	Meeting confirmed	P Rooney	Telephone call	14/8/19
" "	C McGrath MLA	Meeting request	A McAlarney	Direct e mail	14/8/19
" "	C Hazzard MLA	Meeting request	A McKay – M Keane	Direct e mail	-----
" "	Cllr L Kimmons	Meeting request	P Rooney	Direct e mail	14/8/19
" "	C McGrath MLA	Confirmation of meeting	A McKay	Direct e mail	19/8/19
19/8/19	Cllr Harte	Update request	M Keane	Email sent	20/8/19
19/8/19	Cllr Harte	Update request	M Keane	Email sent	20/8/19
19/8/19	Cllr Hanna	Update request	M Keane	Email sent	20/8/19
19/8/19	C McGrath MLA	Update requested	A McAlarney	Direct e mail	19/8/19
19/8/19	C McGrath MLA	Update requested	A McAlarney	Direct e mail	19/8/19
22/8/19	Cllr Hanna	Update requested	M Keane	Email sent	23/8/19
22/8/19	Cllr Hanna	Update requested	M Keane	Email sent	23/8/19
22/8/19	Cllr T Hearty	Update requested	P Rooney	Direct e mail	23/8/19
28/8/19	Cllr R Howell	Update requested	A McAlarney	Call transferred	28/8/19

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 Sept. 2019

DATE	CALLER	ISSUE	REFERRED TO	MODE	DATE CLEARED
29/8/19	Cllr S Doran	Update requested	M Keane	Telephone call	2/09/19
30/8/19	Cllr D Taylor	Follow up to meeting	P Rooney	Direct e mail	30/8/19
2/9/19	Cllr S Doran	Update requested	M Keane	Telephone call	2/09/19
3/9/19	Cllr S Doran	Update requested	M Keane	Call transferred	3/9/19
4/9/19	Cllr P Brown	To arrange site meeting	P Rooney	E mail sent	4/9/19
6/09/19	Cllr D Taylor	Update requested	M Keane	Email sent	6/09/19
9/09/19	Cllr D McAteer	Pre- app enquiry	P Rooney	Telephone query	9/09/19
11/9/18	Cllr G O'Hare	Update requested	M Keane	E mail sent	13/09/19
12/9/19	Cllr O O'Hanlon	Update requested	F Murray	E mail sent	12/9/19
" "	S Bradley MLA	Update request	M Keane	Email sent	17/09/19
13/9/19	Cllr O O'Hanlon	Further information	F Murray	E mail sent	13/9/19
" "	Cllr S Doran	Update requested	M Keane	E mail sent	-----
" "	Cllr H Gallagher	Update requested	A McAlarney	Direct e mail	16/9/19
16/9/19	Cllr O Hanlon	Further information	F Murray	Call transferred	16/9/19
17/9/19	Cllr T Andrews	Query description of development	A McAlarney	Direct e mail	17/9/19
" "	C McGrath MLA	Informal PAD	A McAlarney	Direct e mail	23/9/19
19/9/19	Cllr H McKee	Update requested	M Keane - A McAlarney	E mail sent	19/9/19
" "	Frances for S Bradley MLA	Query statutory performance indicators	M McIlhone	Call answered	19/9/19
" "	Cllr H McKee	Query issue of decision	M McIlhone	Call answered	19/9/19
" "	C McGrath MLA	Query	A McAlarney	Direct e mail	19/9/19
23/9/19	Cllr G Hanna	Update requested	P Rooney	Direct e mail	24/9/19
24/09/19	Cllr R Burgess	Update Requested	M Simons	Call answered	24/9/19
25/9/19	Cllr L Devlin	General Enquiry	A McAlarney	Call transferred	25/9/19
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	25/9/19
" "	Cllr S Doran	Update requested	M Keane	Call returned	26/09/19
26/9/19	Cllr G O'Hare	Update requested	M Keane	Call transferred	26/9/19

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 Sept. 2019

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DATE	CALLER	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/9/19	Cllr S Doran	Update requested	M Keane	E mail sent	-----