



December 10th, 2021

Notice Of Meeting

You are invited to attend the Special Meeting of the Planning Committee to be held on **Wednesday, 15th December 2021 at 10:00 am** in **Mourne Room Downshire and Microsoft Teams.**

Agenda

1.0 Introduction and Apologies

2.0 Declarations of Interest.

3.0 Pre determination hearing in respect of the following planning applications:- (Case officer reports and pre determination report attached)

- **LA07/2020/0485/F** -Major city centre mixed use development scheme comprising of circa 2100 square metres of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry);3no. retail units with associated ancillary service yard areas; 1no. coffee bar (within the ground floor of the listed building); 82no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry - Nos. 46 /47 /49 /50 /51 /52/53 & 54 Merchants Quay Newry together with Nos 9/11 /13 /15 & 17 Cornmarket Newry **APPROVAL**
- **LA07/2020/0486/DCA** - Conservation area consent application - Nos 46/49/50/51/52/53 & 54 Merchants Quay Newry for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area) **APPROVAL**
- **LA07/2020/0487/LBC** - Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors **APPROVAL**

Barry Owens, agent; Martin Conlon and Michael Rogers will be in attendance at the meeting. Relevant statutory consultees will join the meeting via Teams.

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

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Application Reference: LA07/2020/0485/F

Date Received: 20 March 2020.

Proposal: 864 m² of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m² Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m²) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

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

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

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

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

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

2.0. SITE HISTORY

2.1. Related Planning Applications received:

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

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

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

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

4.0. STATUTORY CONSULTATIONS :

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

4.2. DfI Roads :

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

4.3. DfI Rivers Agency:

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

4.4. Historic Environment Division:

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

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

HED (Historic Monuments) HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

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

Water Management Unit (WMU)

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

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

Inland Fisheries

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

Regulation Unit (Land and Groundwater Team)

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

Natural Environment Division (NED)

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

4.6. Shared Environmental Services (SES):

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

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

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

4.8. NI Water Strategic Applications :

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

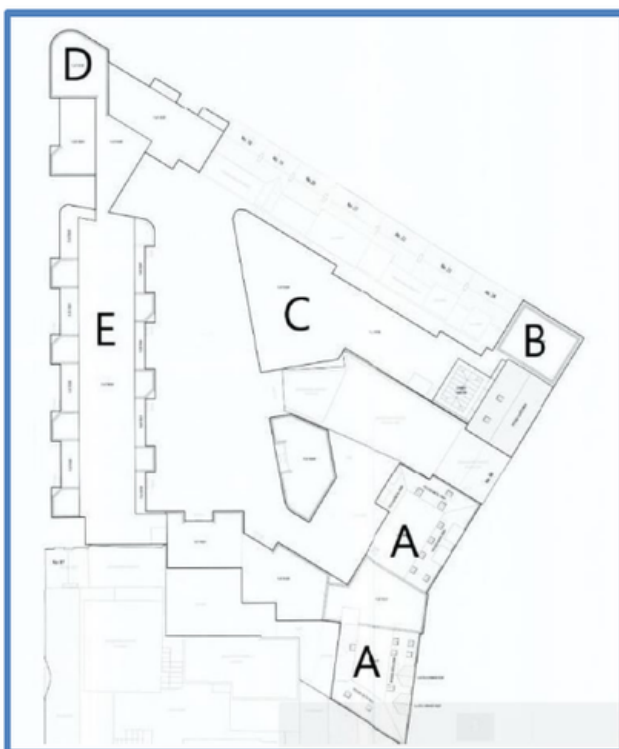
5.0. OBJECTIONS & REPRESENTATIONS

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

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

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** In summary, this proposal seeks full planning permission for a major city centre mixed use development scheme comprising office space, retail space, housing and a coffee bar. The site area has been confirmed as 0.404 hectares. In detail it seeks to provide: c.864 square metres of office space; 3no. retail units (518 .3 m²) with associated ancillary service yard areas; 1no. coffee bar; 73no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. The proposal incorporates the listed building located at No. 47 Merchants Quay and includes the demolition of a number of buildings at Merchants Quay within Newry Conservation Area and at Cornmarket, within an Area of Townscape Character (Cornmarket.)
- 6.2** The proposal involves a mixture of buildings and uses in 5 individual blocks, each with their own character and grouped to form a central courtyard as outlined in the diagram below for referencing the proposed detailing.



- Block A which fronts onto Merchant's Quay to the east, opposite the Newry Canal, is a mixture of 4-6 storey building combining 2 no. ground floor retail units (206m² and 247m²) and 18 no. 2-bed, apartments above. Relating to this block, there is also 1 no. additional 1bed apartment (wheelchair accessible) located at ground floor level and 2 no. 2bed at first floor level, which are

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

- Positioned at the corner of Merchants Quay and Corn Market North, Block B has dual frontages onto both streets and comprises a 3-storey glazed office building. It adjoins an existing 3-storey listed building along Merchants Quay (No.47,) in addition to an existing 2-storey terrace block (7 building units) along Corn Market North.
- Block C is an elongated internal 3-storey office building with a flat roof and finished predominantly in red clay brick and hosts c.647.8m² office space over three floors. This office block includes an extension to the existing Listed Building at No. 47 Merchant's Quay, to be located within the courtyard, immediately to the rear of 7 existing 2-storey units fronting onto Corn Market North.
- Block D is a 5-storey corner flat roofed building at the junction of Corn Market North and Corn Market South comprising one retail unit (65.3m²) and 3 no. apartments at ground floor, together with 13 apartments over 4 upper floors (16 apartments in total, with a mix of 1 and 2 bedrooms) fronting Corn Market West. The frontage onto Cornmarket North is primarily 3 storeys, with a 'stepped' frontage and upper fourth storey set-back. The corner portion of the block comprises a strong rounded 5-storey building which turns the corner at Corn Market, opposite the existing Ballybot House. The remainder of the block fronting onto Cornmarket West drops to a largely 4-storey building a 'stepped' frontage with an upper floor set back. This frontage includes an archway pedestrian and emergency vehicle entrance to the courtyard to the rear separating blocks D and E) Block D is proposed to be finished predominantly in red multi clay brick, with painted render finish to selected areas at upper floors and access area.

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

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

- Residential – 73 apartment units over 5 floors:
 - Ground Floor 12 units (mix 1p1b, 2p1b and 3p2b apt – including 4 no. wheelchair accessible units);
 - First Floor 20 units (mix 3p2b duplex, 3p2b, and 2b apt);
 - Second Floor 18 units (mix 3p2b, 2p1b and 2b apt);
 - Third Floor 18 units (mix 3p2b, 2p1b and 2b apt);
 - Fourth Floor 5 units (mix 3p2b and 2p1b apt);
- Retail and Commercial – 3 no. ground floor units c.518.3m², 1 no. ground floor coffee dock c.54m²
- Office space – c.864m² office space over 3 floors

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

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

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

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

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

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

6.7 Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

6.7.2. Para 3.8 directs that the guiding principle for planning authorities in determining planning applications is that *"...sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance."*

6.7.3. The proposal includes a mix of uses including;

- Retail;
- Office;

- Residential and
- a coffee shop.

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

6.7.5. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. The SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. The SPPS identifies retail as a main town centre use.

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

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

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

6.8.1. Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

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

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

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

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

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

7.0 ASSESSMENT

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

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

7.4. The amendments and relevant changes included the following:

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

7.5 Additional information has also been submitted to include;

- Addendum to Flood Risk and Drainage Assessment;

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

8.0 **ASSESSMENT OF AMENDED SCHEME**

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

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

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

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

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

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

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

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

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

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

8.2.1. HED Historic Monuments having considered the proposal, is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

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

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

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

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

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

- 8.3.2** a – b) In assessing the amended scheme against criteria a) and b) of Policy QD1, the concerns relating to the scale, massing and relationship of the scheme within the context of adjoining listed building, conservation area and ATC have been addressed, subject to an agreement of palette of external finishes, which will be conditioned (criteria a and b are met.)
- 8.3.3.** c) In addition to criteria c) of QDQ, Policy OS2 of PP8 sets out a requirement for public open space to be integral to new residential development of this scale, with the normal expectation for a minimum of 10% of the site area, which in this case is 400m². The scheme includes a central area of open space within the courtyard, measuring 479m². The public open space provision is considered to meet the required criteria set out in OS2. As no Landscape Management Plan has been provided to detail how this area will be managed, a condition will be necessary to ensure this area is maintained in perpetuity.
- 8.3.4.** 'Creating Places' sets the guidance for private amenity space provision, which for higher densities and apartment development such as this, may be provided in the form of privately maintained communal gardens. These can create focal points in the layout and provide effective space to contrast with the high-density buildings. In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10m² per unit to around 30m² per unit. However, the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Having regard to the inner city location of development and proximity to existing recreational facilities, including the canal corridor and walkway, the proposed level of open space provision is considered acceptable to the nature of development and site context and is acceptable to both criteria c of QD1 and OS2 of PPS8

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

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

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

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

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

8.4 Retail, Office and Commercial Development

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

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

8.5.1 Policy NH1 - European and Ramsar Sites - International

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

- 8.5.2.** The application was subsequently considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

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

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

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

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

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

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

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

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

- Area of nature conservation interest, including the Newry river and canal corridors and associated vegetation / trees;
- Archaeological sites and monuments, their views and settings including the scheduled Damolly Fort, Mount Mill and Bridge;

- Listed buildings including Newry Town Hall and Court House, their views and settings.

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

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

8.6.1 Access and Road Safety

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

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

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

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

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

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

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

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

8.7. Car Parking Provision

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

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

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

This calculation is based on the following figures:

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

- Office: 864 m² 43 non-operational spaces (1 space per 20 m²)
- Retail: 26 Non food non-operational (1 space per 20 m² GFA) OR 37 Food retail non-operational (1 space per 14 m² GFA)
- Sui Generis (coffee bar): 11 non-operational (1 space per 5 m² NFA)

This represents a deficit of 187 spaces.

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

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

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

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

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

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

8.8.1 FLD1 – Development in Fluvial Flood Plains.

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

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

8.8.2 FLD2 – Protection of Flood Defence and Drainage Infrastructure

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

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

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

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

8.8.3 FLD3 – Development and Surface Water

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

8.8.4 FLD4 – Artificial Modification of Watercourses

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

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

8.8.5 FLD5 - Development in Proximity to Reservoirs.

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

8.8.6 Sewerage Proposals and Capacity

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

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

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

8.9. Land Contamination

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

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

9.0. RECOMMENDATION:

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

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

10.0 SUGGESTED PLANNING CONDITIONS (SUBJECT TO AMENDMENT)

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

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

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

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

3. No development shall commence until satisfactory arrangements are put in place, and agreed in writing with the Planning Authority, for the provision of 187 car parking spaces to serve the development hereby approved within the Newry City Centre Boundary as identified on Map No 3/02a and Map No 3/02b of the Banbridge, Newry and Mourne Area Plan 2015 and retained for such purposes thereafter.

REASON: To ensure an appropriate level of car parking provision and in the interest of road safety

4. Prior to commencement of the development hereby approved, a detailed schedule of all external finishes shall be submitted to (including samples of all proposed clay brick) and agreed in writing by the Council's Planning Department.

REASON: To ensure the proposed finishes are in keeping with the character of the surrounding area, including Newry Conservation Area and Cornmarket Area of Townscape Character.

5. When a contractor is appointed, a detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

6. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

7. The appointed contractor must submit a Construction Method Statement (CMS) for approval by Newry City, Mourne and Down District Council Planning before commencement of any works on site. This CMS must contain site specific environmental mitigation that will protect the adjacent water environment from polluting discharges during construction phase.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase.

8. All facades (except block 2 east façade) being provided with double glazing as a minimum 4/12/4 providing 31 dB Rw.

REASON: In the interest of public health and residential amenity.

9. Block 2 east façade having double glazing 12/20/6 to provide 42dB Rw,

REASON: In the interest of public health and residential amenity.

10. The incorporation of an acoustic ventilation system (with an equivalent sound reduction index of 42/31 dB Rw) into the proposed dwellings.

REASON: In the interest of public health and residential amenity.

11. a minimum of 200mm depth in the separating floor between the ground retail and the first-floor accommodation to give adequate sound reduction.

REASON: In the interest of public health and residential amenity.

12. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme that will be presented, development on the Site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning Office (in consultation with the Environmental Health Department of Newry Mourne and Down District Council).

REASON: In the interest of public health and residential amenity.

13. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED of a Fire Safety Strategy for the listed building for the duration of the works. The works shall be carried out in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

14. Prior to commencement of works to the listed building details shall be submitted and approved in writing by the Council in conjunction with HED showing the internal areas to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained. Such details shall include a condition survey, prepared by a structural or building engineer experienced in working with listed buildings, which should identify:

- a) structural defects (including timber king post roof structure, floor joists, etc.);
- b) proposed conservation led remedial works (e.g. spliced repairs);
- c) a method statement demonstrating how the proposed structural works will be undertaken, and outlining how the listed building will be protected, during construction (including foundations and any piling) and demolition work.

The work shall be carried out fully in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

15. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

- 16.No new grilles, shop shutters security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the buildings hereby approved other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011 and the Conservation Area and Area of Townscape Character.

- 17.Following completion of the tap test to the front elevation and investigation works to rear elevation of the listed building, drawings clearly identifying exact proposals for indent repairs, mortar repairs, etc. to existing stonework shall be submitted for approval by the council in conjunction with HED. A stone sample shall also be provided for approval in writing.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 18.All works of making good to the existing stonework shall be finished exactly, to match the adjacent original work and all mortar and render repairs shall be breathable and lime based, i.e. with no cementitious additives.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 19.New plaster and render shall be lime based with no cement-based additives and shall be finished with limewash. Natural breathable paints may be used as an alternative where specifically agreed.

REASON: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

- 20.All salvageable material shall be retained and reused, utilising as much of the original material as possible.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

21. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.
REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

22. Construction details of the following interventions to the listed building, at a minimum scale of 1:50, shall be submitted for approval in writing by the council in conjunction with HED prior to commencement of the relevant works:

- a. Secondary glazing;
- b. Timber panelling (ground floor); and
- c. First and second floor upgrade to provide 1-hour fire resistance.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

23. A prototype of each different window shall be submitted for approval in writing by the council in conjunction with HED prior to wholesale fabrication; glazing shall be fixed in place with putty; there shall be no visible trickle vents; and the final coat of paint on all external joinery shall be applied on site (i.e. not factory finished).

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

24. No work shall commence on site until demolition method statements, detailing how the demolitions will be carried out to, and around, the listed buildings without adversely affecting its structural stability and without damaging the historic fabric proposed for retention, has been submitted to and agreed in writing with the Council in conjunction with HED, and all work shall conform to the agreed method statement.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

25.No work shall commence on the corner building at No.46 Merchant's Quay until samples of all finish materials for the walls, glazing system, external doors, balustrades, roofs, including plant enclosures and rainwater goods have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

26.No work shall commence on public realm improvements / landscaping until detailed proposals and samples of all finish materials and lighting fixtures have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

REASON: To ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

27.No new signs, advertising cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved without prior consent from the Council as appropriate.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011 and to protect the character of the surrounding area, including Newry Conservation Area and Cornmarket Area of Townscape Character.

28.No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by [THE

COUNCIL] in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

29.No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition L15a.

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

30.A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition L15a. These measures shall be implemented and a final archaeological report shall be submitted to [THE COUNCIL] within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with [THE COUNCIL].

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

31.A comprehensive landscape Management Plan shall be submitted to and approved by the Council within three months from the date of this planning decision.

REASON: To maintain the open space in perpetuity and in the interest of visual and residential amenity.

Case Officer:

Date:

Authorised Officer:

Date:



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

Application Reference: LA07/2020/0486/DCA

Date Received: 20 March 2020.

Proposal: Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area)

Location: Nos 46/49/50/51/52/53 & 54 Merchants Quay, Newry

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

1.1. The application site relates to a number of disused commercial buildings along Merchant's Quay within the Conservation Area, with the street frontage ranging between 2/3 storeys in height. No 46 Merchant's Quay, sits in a corner site between Merchants Quay and Cornmarket (north,) and is adjoined to a Listed Building at No.47 Merchant's Quay. No's 49-54 Merchant's Quay relate to a former car sales building which is now vacant. This block adjoins additional commercial buildings to the north and south which are not within the application site.

2.0. SITE HISTORY

2.1. Related Planning Applications received:

- LA07/2020/0485/F – under consideration
- LA07/2020/0487/LBC – under consideration
- LA07/2019/1508/PAN – Proposal of Application Notice Acceptable
- LA07/2019/1116/PAD –PAD concluded

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 6 – Planning, Archaeology and Built Heritage
- Newry Conservation Area Guide

4.0. STATUTORY CONSULTATIONS

4.1. No consultations were necessary for this assessment.

5.0. OBJECTIONS & REPRESENTATIONS

5.1. As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press initially on 19 May 2020 (expired on 2 June 2020.) There is no statutory requirement to issue neighbour notification letters for Conservation Area Consent.

6.0. PLANNING ASSESSMENT & CONSIDERATION

6.1. This proposal seeks consent to demolish the above properties as part of a proposed redevelopment scheme being considered under LA07/2020/0485/F and LA07/2020/0487/LBC.

- 6.2 The site is located within Newry Conservation Area as defined in the Banbridge, Newry and Mourne Area Plan 2015 under designation NYCA01. There are no objections to the proposal with regard to the Area Plan / SPPS. Prevailing weight is attached to PPS 6 in this assessment.

6.3 PPS 6 policy BH 14 Demolition in a Conservation Area

- 6.3.1. The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.



No's 49-54 Merchant's Quay (white building.)



No.46 Merchant's Quay (corner building.)

- 6.3.2 Whilst the existing buildings offer a contribution to the streetscape in terms of scale, form and massing, arguably the detailing does not in itself make a positive contribution to the Conservation Area. The demolition of No's 46 and

49-54 Merchant's Quay would in my opinion, be acceptable subject to an appropriate redevelopment scheme being agreed prior to demolition. Any proposed redevelopment should reflect the scale and character of the existing and surrounding buildings, including the Listed Building at No.47 Merchant's Quay in addition to the character of Newry Conservation Area.

- 6.3.3. A proposal to redevelop this site is considered under application reference LA07/2020/0485/F and LA07/2020/0487/LBC as part of a wider regeneration proposal along Merchant's Quay and Corn Market. Following amendments and subject to conditions being met, an agreeable design solution has been met.

7.0. RECOMMENDATION:

Consent granted (conditional to approval of LA07/2020/0485/F and LA07/2020/0487/LBC.)

8.0 PLANNING CONDITION

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

REASON: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

43

Application Reference: LA07/2020/0487/LBC

Date Received: 20 March 2020.

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

Location: No. 47 Merchants Quay, Newry

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

1.1. The application site relates to the building at 47 Merchant's Quay, a three-storey warehouse set in a terrace fronting Merchant's Quay. The Building holds a Grade B2 listing, described as a commercial building characteristic of its time and the heyday of maritime trade from Newry. It is the least altered of all the canal side warehouses which once dominated Merchant's Quay, with its characteristic in-line loading doors, and use of local building materials.

- 1.2.** The site and building adjoin further buildings along Merchants Quay which are redundant at present, whilst to the west / rear, the listed building and application site adjoin a disused commercial yard relating to a former car sales business.

2.0. SITE HISTORY

- 2.1.** Related Planning Applications received:

- LA07/2020/0485/F – under consideration
- LA07/2020/0486/DCA– under consideration
- LA07/2019/1508/PAN – Proposal of Application Notice Acceptable
- LA07/2019/1116/PAD –PAD concluded

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Planning (Listed Buildings) Regulations (Northern Ireland) 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS 6 – Planning, Archaeology and Built Heritage

4.0. STATUTORY CONSULTATIONS :

- 4.1.** A number of statutory consultations were issued to DfC Historic Environment Division : Historic Buildings (HED : HB) throughout the course of this application.

HED's final response dated 29th January 2021 advises that with the exception of a few discrepancies noted on drawings, the proposal satisfies the requirements of paragraphs 6.12 & 6.13 of SPPS (NI) 2015 ; and policies BH7, BH8 & BH11 (Change of Use, Extension or Alteration and Development Affecting the Setting of a Listed Building) of PPS6, subject to conditions. The detailed comments are considered further below.

5.0. OBJECTIONS & REPRESENTATIONS

- 5.1. As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press initially on 19 May 2020 (expired on 2 June 2020.) There is no statutory requirement to issue neighbour notification letter for Listed Building Consent.

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1. This proposal seeks Listed Building Consent for a material change of use from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Proposed works include remedial works to external and internal fabric of listed building; repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.
- 6.2 As required under Article 4 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015, a Design and Access Statement has been submitted, which outlines the design concept and principles applied to the proposed works. In summary, the proposal recognises the building's significance along Merchant's Quay and seeks to celebrate its heritage by establishing the building as a 'gateway' to a new mixed-use development to the rear.
- 6.3 The level of intervention to the building has been kept to a minimum and maximum amount of historic fabric has sought to be retained. In summary, the proposal seeks to sympathetically improve the engagement of the building with Merchant's Quay and Newry Canal as a whole whilst respecting the importance of the buildings' remaining fabric to Newry City.
- 6.4 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. As there are no particular provisions within the Plan relevant to this LBC determination, it falls to be considered under the SPPS and prevailing policy requirements set out under Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.

- 6.5. Para 6.12 of the SPPS states it is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

Para 6.13 expands on this further by Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.

- 6.6 The retained PPS6 sets out the prevailing policy requirements in respect of works affecting a Listed Building. Policies BH7, BH8, BH11 and BH12 of PPS6 are applicable to this assessment, as considered below:

6.7 PPS6 Policy BH7 – Change of Use of a Listed Building

Under this policy, the change of use of a listed building will normally only be permitted where this secures its upkeep and survival and the character, and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting

- 6.7.1. HED welcome the re-use of the building in principle to ensure its ongoing viability and upkeep. However, early concerns were raised regarding the approach of finding a use first and adapting the building to meet those needs and HED advised that any assessment requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural or historic interest of the building (as detailed under Para. 6.7 of PPS6.) Having worked through a number of revisions to address relating concerns under BH8 and BH11 as detailed below, HED are content subject to conditions being met, that the proposed works now satisfy Policy BH7 requirements.

6.7.2 In summary, following amendments, the proposed works are acceptable to PPS7 Policy BH7.

6.8 PPS6 Policy BH8 – Extension or Alteration of a Listed Building

HED made a number of initial comments on the original proposals as submitted, to ensure the detailed design is in keeping with the listed building in terms of maximum retention of historic fabric and appropriate alteration. Specific comment was made on the following details: provision of vertical circulation within the adjoining modern building, replacement roof covering, window detailing and finishes, including the use of fixed roof lights, method statement for removal of the existing render, further detailing for ground floor opening, the introduction of sheeted timber double doors, preparation of a timber report in respect of internal fabric.

6.8.1 Further to these comments, additional information was requested in the form of:

- a) existing and proposed sectional drawings including levels, clearly indicating areas proposed for alteration or demolition, accompanied by a key indicating:
 - a. historic fabric to be retained,
 - b. historic fabric to be removed,
 - c. new interventions and construction.
- b) Door and window schedules.
- c) Stone schedule.
- d) Finishes schedule - an interior photographic survey has been provided and the sheeted timber panelling, although later, appears to be a feature of interest. Whilst careful removal may be required to investigate the condition of walling behind, we would suggest reuse of this panelling. Likewise, wide timber floor boards should be retained.
- e) Structural survey and / or condition report

6.8.2. Additional drawings and amended information has been submitted for further consideration as requested. In HED's final response, it is noted that the concept of providing vertical circulation in a separate modern building is acceptable in principle, **however "... as this building cannot function**

without vertical circulation, the lobby, stair and lift core should ideally be included with this application as an extension to the listed building.”

HED refer to an amended site location plan No. S01e, with red line boundary extended. The plan drawings include a lobby connecting to the new building, with a break-line through the shared circulation core. This proposal therefore relies on development of the corresponding full application LA07/2020/0485/F to be feasible. HED defer to the Council on this matter and confirm that, in terms of changes proposed to the listed building itself, it complies with Policy BH8.

6.8.3. A couple of assumed errors are also highlighted by HED on the drawings including:

- *shutters remain inward opening on the Window Schedule SCH01a*
- *amended drawing D17c - on the front elevation, where Block B is described as 4-storey*

If these are intentional, then further consultation with HED would be required. The Planning Department has clarified that these are errors and will seek to get these amended as appropriate prior to determination.

6.8.4 *In summary, subject to amendments of the above and inclusion of the additional lobby area connecting to the new building, the proposal would be acceptable to Policy BH8.*

6.9 PPS6 Policy BH11 – Development affecting the Setting of a Listed Building and BH12 – New Development in a Conservation Area

6.9.1 In addition to Policy BH8 concerns, the proposed vertical circulation from the adjoining modern building also raises concerns under BH11 criteria a) *the detailed design respects the listed building in terms of scale, height, massing and alignment.* HED recommended that the scale, form and massing are resolved before addressing the materials proposed for this aspect – further information was requested on this matter – this matter interrelates to concerns expressed under LA07/2020/0485/F by the Planning Department, whereby a reduced scale of building was requested with more appropriate form and finishes.

6.9.1 HED having reviewed the amendments made and additional information submitted, in their final response are content that the proposal now meets Policy BH11 requirements.

6.9.3. In summary, the amended proposal is deemed satisfactory to SPPS and Policy BH11 requirements subject to planning conditions. The amended proposal is also considered appropriate to Policy BH12 – this aspect is considered in further detail under LA07/2020/0485/F as part of the overall proposal and its impact on Newry Conservation Area.

7.0. RECOMMENDATION:

Approval in principle subject to the resolution of all of the issues highlighted by HED in its consultation responses and the following planning conditions below.

8.0 PLANNING CONDITIONS (SUBJECT TO AMENDMENTS:)

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

REASON: As required by Section 94 of the Planning Act (Northern Ireland) 2011

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

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

3. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED of a Fire Safety Strategy and Method Statement for the duration of the works. The works shall be carried out in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural

and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

4. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED showing the areas to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained. Such details shall include a condition survey, prepared by a structural or building engineer experienced in working with listed buildings, which should identify:
 - a) structural defects (including timber king post roof structure, floor joists, etc.);
 - b) proposed conservation led remedial works (e.g. spliced repairs);
 - c) a method statement demonstrating how the proposed structural works will be undertaken, and outlining how the listed building will be protected, during
 - d) construction (including foundations and any piling) and demolition work.

The work shall be carried out fully in accordance with the details approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

5. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external or internal faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

6. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural

and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

7. Following completion of the tap test to the front elevation and investigation / raking out works to rear elevation, drawings clearly identifying exact proposals for indent repairs, mortar repairs, etc. to existing stonework shall be submitted for approval by the council in conjunction with HED. A stone sample shall also be provided for approval in writing.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

8. All works of making good to the existing stonework shall be finished exactly, to match the adjacent original work and all mortar and render repairs shall be breathable and lime based, i.e. with no cementitious additives.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

9. New plaster and render shall be lime based with no cement-based additives and shall be finished with lime wash. Natural breathable paints may be used as an alternative where specifically agreed.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

10. All salvageable material shall be retained and reused, utilising as much of the original material as possible. to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

11. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

12. Construction details of the following elements, at a minimum scale of 1:50, shall be submitted for approval in writing by the council in conjunction with HED prior to commencement of the relevant works:
 - a. Secondary glazing;
 - b. Timber panelling (ground floor); and
 - c. First and second floor upgrade to provide 1 hour fire resistance.

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

13. A prototype of each different window shall be submitted for approval in writing by the council in conjunction with HED prior to wholesale fabrication; glazing shall be fixed in place with putty; there shall be no visible trickle vents; and the final coat of paint on all external joinery shall be applied on site (i.e. not factory finished).

REASON: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

14. No new signs, advertising cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved without prior consent from the Council as appropriate.

REASON: To ensure that special regard is paid to protecting the special architectural

and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

Case Officer:

Date:

Authorised Officer:

Date:



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

PRE-DETERMINATION HEARING.

Date: 15 December 2021

Development Management Report

Application Ref Number:

LA07/2020/0485/F.

Date Received:

20 March 2020.

Proposal:

Major city centre mixed use development scheme comprising of circa 864 m² of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m² Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m²) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

Site location:

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

Application Ref Number:

LA07/2020/0487/LBC

Date Received:

20 March 2020.

Proposal:

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

Application Ref Number:

LA07/2020/0486/DCA.

Date Received:

20 March 2020.

Proposal:

Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area).

Site location: Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry.

1.0. Background.

- 1.1. Application reference numbers LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC were recommended for approval to the Council's Planning Committee on 10 March 2021. The Planning Committee voted to accept the recommendations.
- 1.2. A number of statutory consultees, in particular DfI Roads, DfI Rivers and DfC Historic Environment Division raised a number of issues to be addressed by the applicant in relation to car parking, access details, rivers and detailed design. Details of these outstanding matters were provided in the case officer's report that was before the Planning Committee (and now attached to this report).
- 1.3. The case officer report also provided a number of draft negative planning conditions requiring that no development, on the site, shall commence until all outstanding issues, as raised by the consultees, have been fully addressed by the applicant, considered by the Council, in consultation with the relevant statutory bodies and finalised or resolved in full. This was in line with established planning policy, process and procedure.
- 1.4. The Planning Department then received, on 15 March 2021, a 'Holding Direction' from the Department for Infrastructure (DfI) directing that the Council may not grant planning permission for the planning application LA07/2020/0485/F until further advised by the Department. It stated that it had issued this direction to allow time to consider, whether or not, the application raised issues that would require the application to be referred to it for determination. It also requested that the Council formally notified it, under Section 89, as applied by Section 105 of the Planning Act (NI) 2011 in relation to the con-current application for demolition in a Conservation Area LA07/2020/0486/DCA. It also directed the Council to hold the related listed building consent application LA07/2020/0487/LBC until further advised by the Department.
- 1.5. The Council, as had been intended, notified DfI in accordance with the requirements of the Act, on 7 May 2021 of its intention to grant demolition consent in a Conservation Area in respect of LA07/2020/0486/DCA.
- 1.6. DfI then formally notified the Council, on 17 May 2021, of the outcome of the 'Holding Order' issued on 15 March 2021 and the subsequent notification by the Council on 7 May

2021. It confirmed that after careful consideration, it decided that it was not necessary for the applications to be referred to it for determination.

- 1.7. In its response the Department also commented that it appeared, to it, that the consultation process in relation to roads, built heritage and rivers /flooding matters had not yet been completed by the council and it was important that the Council satisfies itself that it has fully considered the advice provided by the relevant consultee before the applications are concluded and that any information, required by the consultee, has been forwarded to it in order that a final, fully informed consultation response can be provided by the Council.
- 1.8. The Planning Department, in the light of the comments by DfI, contacted the applicant to seek clarification on whether it is intended to address those issues raised by the consultees, and provide the additional information, required by them, prior to the issuing of a formal decision. In correspondence dated 9 November 2021, the Agent stated that the applicants believed that a decision to approve the development had been taken by the Planning Committee in March 2021. He confirmed that it would not be possible for the applicant to complete the work being requested. He requested an immediate pre-determination hearing to finalise matters.
- 1.9. In the light of the comments received from DfI and the subsequent clarification from the applicant, the Planning Department issued a further formal consultation to the relevant statutory consultees. This provided an update on the application and sought further comment, from them, on the applicant's stated intention not to address their comments.
- 1.10. The Planning Department has now received the following formal consultation responses from the relevant statutory consultees:

DfI Rivers Agency: They continue to raise concerns regarding the methodology used by the applicant in its Flood Risk and Drainage Assessment as it has not integrated the model used to generate the fluvial floodplain as portrayed on the Flood Maps (NI) to demonstrate insignificant impacts elsewhere from the 1 in 100 year fluvial floodplain as a result of the proposed works. With regards to this information being furnished through pre-commencement planning conditions, as is the case with this application, this mechanism is not preferable to Rivers, as matters of flood risk should be dealt with up-front.

DfC Historic Buildings and Monuments: Content subject to conditions.

DfI Roads: DfI Roads has confirmed its objection to the planning application based on the Applicant's approach not to deal with these issues ahead of the finalisation of this

application. DfI position remains as it was prior to the application being called in by DfI. It considers the application unacceptable as submitted as insufficient detail is available on transportation issues.

Refusal is recommended on the following grounds:

1. Inadequate Parking

a. 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 the highway for the parking of vehicles which would be attracted to the site.

2. Sub-standard Access

a. 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 the width of the proposed access is unacceptable, in accordance with the standards contained in Development Control Advice Note 15.

3. Pedestrian Safety

a. 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 to link the site to the existing footway on Merchants Quay to accommodate the increased pedestrian movements.

They have also suggested refusal reasons should be added for lack of information on:

- Bin collection points clear of public footway and not obstructing proposed accesses
- Incomplete Transport Assessment
- Incomplete parking survey
- Road safety audit and exception report

In the event that the Council was minded to approve the application DfI Roads have identified a number of issues that should be addressed. There are:

1. Amended plans showing the required visibility splays and any other associated works; showing the access and gates at Merchants Quay and Corn Markey (West); arrangements for pedestrian issues, and signage.
2. An amended Transport assessment detailing a number of technical issues.

3. An amended Parking Survey to take into account the already committed development which has allocated some of the on-street & public car park spaces.
4. A Road Safety Audit and Exception report.

Planning Department's response to DFI Roads Issues:

- 1.11. The issues raised in relation to amended plans, Transport Assessment and parking were raised by DFI Roads in their response of 9 February 2021 and are discussed in the case officer's report in March 2021 and again before the Planning Committee. Officers considered that these issues can be dealt with by negative conditions. This means that they have to be addressed to the Council and DFI Road's satisfaction before development can commence. On this basis the Planning Department is of the view that it would be unreasonable to refuse the application based on these concerns provided they are adequately addressed prior to commencement.

DFI Roads had also asked Planning to clarify the number of car parking spaces required for the proposal. This issue had been dealt with in the case officer's report when it was stated that based on the car parking standards the total car parking requirement for the amended and reduced scheme is estimated at 198 spaces. This represented a deficit of 187 spaces. The case officer report also clarified that the matter of car parking provision remains unresolved and must be addressed prior to any commencement of the development hereby proposed. It recommended a planning condition that no development shall commence until satisfactory arrangements are put in place, and agreed in writing with the Planning Authority, for the provision of 187 car parking spaces to serve the development hereby approved within the Newry City Centre Boundary and retained for such purposes thereafter. The Planning Department is satisfied that this matter has been properly considered and can be addressed prior to the commencement of any development on the site.

DFI Roads also sought clarification, from Planning, *on any previously approved committed development, with regards on-street/ public car park that would be associated with the development which the applicant needs to take into consideration?* Planning is aware of a number of major planning approvals within Newry City Centre which seek to rely on existing city centre on-street parking /car parks. These will be matters for the applicant to consider when he seeks to address the pre-commencement planning condition related to car parking provision.

The applicant provided a Service Management Plan, Travel Plan and Transport Assessment Form and Car Parking Appraisal. These were considered by DFI Roads in its assessment of the application.

Commented [NL1]: What is our assessment of these?

Conclusion

- 1.12.** As these applications have been the subject of a direction from DFI, the Council is required to hold a pre-determination hearing pursuant to Regulation 7(1) of the Planning (Development Management) Regulations (NI) 2015 where the application has not been called in by DFI under Section 29 (1) of the 2011 Act.
- 1.13.** The purpose of this report is to provide information for the Planning Committee to inform the pre-determination hearing, held to enable the applicant and interested parties to be heard, ahead of the main meeting of the Planning Committee. The hearing will follow a similar format to the Planning Committee in that the officer will give an oral presentation of the applications and key issues. The applicant and interested parties will then have an opportunity to speak. The objective of the hearing will be to focus on the material planning considerations and explore these to facilitate the Planning Committee in making its determination on the application.
- 1.14.** The original committee reports presented to the Planning Committee on 15 March are appended to this report.
- 1.15.** Following the pre-determination hearing, the planning application will be reconsidered and determined by the Planning Committee which will follow the hearing.

P G Rooney

Principal Planning Officer.

10 December 2021.

Appendix 1: DfI Roads Comments.



Newry, Mourne & Down Planning Service

Network Planning
Rathkeltair House
Market Street
Downpatrick
BT30 6AJ

Tel: 0300 200 7893

Planning Authority Case Officer: Pat Rooney
Planning Application Ref: LA07/2020/0485/F
Date consultation received: 22/11/2021
Date of Reply: 09/12/2021
Drawing/ Doc Ref: S01b

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

Proposal: Major city centre mixed use development scheme comprising of circa 2100 square metres of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 3no. retail units with associated ancillary service yard areas; 1no. coffee bar (within the ground floor of the listed building); 82no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry

DfI Roads comments dated 9 February 2021 still apply.

DfI Roads considers the application unacceptable as submitted. Insufficient detail is available on transportation issues. Should Planning Service be minded to progress the application towards an approval DfI Roads require the following points to be addressed:

1. An amended 1:1250 scale location plan clearly showing all lands outlined in red required to construct the required visibility splays of 2.0m x 33m on both Merchant's Quay and Corn Market (West) and any other associated works
2. An amended 1:200 scale site plan clearly showing:
 - a. Gates at Merchant's Quay access set back a minimum of 5m from the edge of the public road
 - b. Accesses at both Merchant's Quay and Corn Market (West) to be 6.0m wide and include a segregated Pedestrian footway
 - c. Provide Pedestrian protection at vehicular accesses
 - d. Provide one-way sign erected opposite the Merchant's Quay access indicating flow of traffic
 - e. Bin collection point to be clear of the footway and visibility splays and internal bin storage to be clear of vehicle access points

3. Provide a Transport Assessment showing the impact of traffic generated by the proposed application on the local public road network within the Merchant's Quay area. The Transport Assessment should include the following:
 - a. The connection between the TRICS sheets and TABLE 2 be shown and the missing Table 1 referred to in the Transport Assessment Form included
 - b. Distribution and assignment of the proposed development trips should be considered
 - c. Consultant to establish the area of influence using a 5% or 10% threshold- this will need to be justified
 - d. Junctions exceeding threshold should be modelled using Departmental Approved programmes and assessed on year of opening and 10/15 years after opening
 - e. Medium growth rates should be applied to the base year survey data and data collected during the COVID-19 pandemic be factored and justified
4. Parking provision should be accordance with the Parking Standard guidelines- can Planning please confirm the number of parking spaces required for the proposed development.
5. The Parking Survey should take into account the already committed development which has allocated some of the on-street & public car park spaces
6. A Road Safety Audit and Exception report should also be included

Note to Planning:

Can Planning please clarify any previously approved committed development, with regards on-street/ public car park that would be associated with the development which the applicant needs to take into consideration?

Based on the above DfI Roads would offer the following comments:

The applicant has not provided a response to DfI Roads previous reply issued on 9 February 2021 which considers and resolves the issues raised within that reply, and which is listed above.

Inadequate Parking

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 the highway for the –

1. parking

- of vehicles which would be attracted to the site.

Sub-standard 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 the width of the proposed access is unacceptable, in accordance with the standards contained in Development Control Advice Note 15.

Pedestrian Safety

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 to link the site to the existing footway on Merchants Quay to accommodate the increased pedestrian movements.

Note to Planning:

A refusal reason should be added for lack of information in relation to the following:

1. Bin collection points clear of public footway and not obstructing proposed accesses
2. Incomplete TA
3. Incomplete parking survey
4. Road safety audit and exception report

The information from the above could have an effect on the design and road infrastructure requirements for this proposal.

DfI would also advise we would be content to attend the pre-determination hearing. Please advise of confirmed date and time of this meeting.

Appendix 2: DfI Rivers Comments.

Pat,

I can confirm that Stephen Lancashire and I will be attending the Pre-Determination Hearing for this application on the 15th December.

Please forward the link to the meeting at your earliest convenience.

Regarding comments to the Council, Rivers position is that the information requested in our last consultation response to Council, on the 5th March 2021, is still required in order to demonstrate that flood risk at the site has been adequately dealt with. With regards to this information being furnished through pre-commencement planning conditions, as is the case with this application, this mechanism is not preferable to Rivers, as matters of flood risk should be dealt with up-front.

Kind regards,

David Clarke

DfI Rivers | Planning Advisory & Modelling Unit | 44 Seagoe Industrial Estate | Craigavon | BT63 5QE |

Tel: 028 38399109 ext.33109 | E-mail: David.Clarke@infrastructure-ni.gov.uk



Appendix 3. DfI Archaeology & Built Heritage HED (HB) Comments

DfI Archaeology & Built Heritage HED (HB) response: 29/11/2021 Planning Ref: LA07/2020/0485/F

Section Reference: HB16/28/075

Considerations

Historic Environment Division (HED) has been consulted to consider the application for 'Major city centre mixed use development scheme comprising of circa 2100 square metres of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 3no. retail units with associated ancillary service yard areas; 1no. coffee bar (within the ground floor of the listed building); 82no. residential units (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay' located at No. 46/ 47/ 49/ 50/ 51/ 52/ 53 & 54 Merchants Quay, together with No. 9/ 11/ 13/ 15/ & 17 Cornmarket, Newry, affecting HB16/28/075 - 47 Merchants Quay, Newry, Co Down, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED (Historic Buildings) has reconsidered the effects of the proposal on the listed building on the basis of the council's letter dated 22nd Nov 2021 and reiterates that:

- It falls under a range of advice. Subject to conditions, the new development satisfies the requirements of paragraph 6.12 of SPPS and policy BH11 of PPS6, however, updated drawings are required to match those submitted 12/01/2021 for LA07/2020/0487/LBC in order to confirm that the proposal also complies with paragraph 6.13 of SPPS and policies BH7 and BH8 of PPS6.

Explanatory note

This advice should be read in conjunction with the response to LA07/2020/0487/LBC. We would highlight that the most recent amended plans and elevations for the listed building at No.47 Merchant's Quay have not been uploaded to the NI Planning Portal for this full application. We have inserted conditions below on the basis that they will be the same.

Refer to previous response to application LA07/2020/0487/LBC dated 29/01/2020 from HED Historic Buildings. That advice remains pertinent. Note that any comment in relation to the height of Blocks D & E was advisory – and not strictly speaking

based on policies PPS6 BH11 & SPPS para 612 - given their distance from the listed building and therefore the reduced likelihood of adverse impact on the its' setting.

For clarity, we have inserted a table overleaf and listed the drawings below for this application which do not tally with the corresponding LBC. The latest revisions of drawings should be the same for both applications in order to be stamped approved.

A few discrepancies remain on the LBC drawings which ideally should be corrected for both applications; namely:

- D17 Rev C – Block B is described as 4-storey when in fact it is 3-storey; and Archaeology & Built Heritage HED (HB) response: 29/11/2021 Planning Ref: LA07/2020/0485/F
- SCH01 Rev A – inward opening shutters to WF02 & SF02 should be outward opening to match amended floor plans D21 Rev A & D22 Rev A.

Drawing Title LA07/2020/0487/LBC LA07/2020/0485/F Listed Building Proposals 19130 D17 Rev C 19130 D17 Rev B Ground Floor Schedule of Alterations, Repairs & Interventions 19130 D20 Rev A 19130 D20 First Floor Schedule of Alterations, Repairs & Interventions 19130 D21 Rev A 19130 D21 Second Floor Schedule of Alterations, Repairs & Interventions 19130 D22 Rev A 19130 D22 Proposed Sections 19130 D23 Rev A 19130 D23 Proposed Rear Sectional Elevation 19130 D24 Rev A 19130 D24 Proposed Front Elevation 19130 D25 Rev A 19130 D25 Door & Window Schedule 19130 SCH01 Rev A 19130 SCH01

Requested Conditions:

Listed Building:

1. Prior to commencement of development details shall be submitted and approved in writing by the Council in conjunction with HED of a Fire Safety Strategy for the listed building for the duration of the works. The works shall be carried out in accordance with the details approved.
2. Prior to commencement of works to the listed building details shall be submitted and approved in writing by the Council in conjunction with HED showing the internal areas to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained. Such details shall include a condition survey, prepared by a structural or building engineer experienced in working with listed buildings, which should identify: a) structural defects (including timber king post roof structure, floor joists, etc.); b) proposed conservation led remedial works (e.g. spliced repairs); c) a method statement demonstrating how the

proposed structural works will be undertaken, and outlining how the listed building will be protected, during construction (including foundations and any piling) and demolition work. The work shall be carried out fully in accordance with the details approved.

3. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.
4. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason 1-4 incl.: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

5. Following completion of the tap test to the front elevation and investigation works to rear elevation of the listed building, drawings clearly identifying exact proposals for indent repairs, mortar repairs, etc. to existing stonework shall be submitted for approval by the council in conjunction with HED. A stone sample shall also be provided for approval in writing.
6. All works of making good to the existing stonework shall be finished exactly, to match the adjacent original work and all mortar and render repairs shall be breathable and lime based, i.e. with no cementitious additives.
7. New plaster and render shall be lime based with no cement-based additives and shall be finished with limewash. Natural breathable paints may be used as an alternative where specifically agreed.
8. All salvageable material shall be retained and reused, utilising as much of the original material as possible.

Reason 5-8 incl.: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.

9. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by

the Council, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.

10. Construction details of the following interventions to the listed building, at a minimum scale of 1:50, shall be submitted for approval in writing by the council in conjunction with HED prior to commencement of the relevant works:

- a. Secondary glazing;
- b. Timber panelling (ground floor); and
- c. First and second floor upgrade to provide 1 hour fire resistance.

11. A prototype of each different window shall be submitted for approval in writing by the council in conjunction with HED prior to wholesale fabrication; glazing shall be fixed in place with putty; there shall be no visible trickle vents; and the final coat of paint on all external joinery shall be applied on site (i.e. not factory finished).

Reason 9-11 incl.: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building. New-build development:

12. No work shall commence on site until demolition method statements, detailing how the demolitions will be carried out to, and around, the listed buildings without adversely affecting its structural stability and without damaging the historic fabric proposed for retention, has been submitted to and agreed in writing with the Council in conjunction with HED, and all work shall conform to the agreed method statement.
13. No work shall commence on the corner building at No.46 Merchant's Quay until samples of all finish materials for the walls, glazing system, external doors, balustrades, roofs, including plant enclosures and rainwater goods have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.
14. No work shall commence on public realm improvements / landscaping until detailed proposals and samples of all finish materials and lighting fixtures have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

Reason 12-14: to ensure that materials and detailing are of sufficient quality to respect the character of the setting to the listed building and that special regard is paid to protecting its integrity and architectural and historic interest under Section 80 of The Planning Act (NI) 2011.

Informatives

1. Planning Act (Northern Ireland) 2011 2. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage. 3. Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development. 4. BS 7913:2013 Guide to the conservation of historic buildings 5. Consultation Guide - A guide to consulting HED on development management applications – consulting-hed-development-management-applications-consultation-guide.pdf (communities-ni.gov.uk) 6. ICOMOS XI'AN Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas. 7. HED Setting Guidance, Feb 2018 guidance-on-setting-and-the-historic-environment.pdf (communities-ni.gov.uk) 8. Technical Notes - Repair and Maintenance Guidance | Department for Communities (communities-ni.gov.uk) 9. Consultation Guide: Historic Buildings & Energy Efficiency, A Guide to Part F of the Northern Ireland Building Regulations 2006