May 20th, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 27th May 2026** at **10:00 am** in **Mourne Room, Downshire Civic Centre.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor C Enright

Councillor C King

Councillor D McAteer

Councillor D Murphy

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol

Item 6 - Cllrs Clarke, Hanna, Larkin, D Murphy, Quinn and Rice attended a site visit on 22 April 2026.

4.0 Minutes of Planning Committee Meeting of 22 April 2026

Planning Committee Minutes 2026-04-22.pdf ***Page 1***

5.0 Addendum list – planning applications with no representations received or requests for speaking rights

Addendum list - 27-05-2026.pdf ***Page 13***

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

6.0 LA07/2024/0462/O - Adj to and 20m NE of 137 Tullybrannigan Road, Newcastle - Infill Dwelling and Garage

For Decision

APPROVAL

On agenda as a result of the call in process. Previously tabled at February Planning Committee.

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

Cllrs Clarke, Hanna, Larkin, D Murphy, Quinn and Rice attended a site visit on 22 April 2026.

Mr Declan Rooney will be present to answer any questions Members may have.

LA07-2024-0462-O.pdf ***Page 15***

Development Management - Planning Applications for determination

7.0 LA07/2024/0568/F - 46 Monaghan Street, Newry, BT35 6AA - Mixed use development to include 1 retail unit and 9 x 2 bedroom apartments

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

LA07-2024-0568-F.pdf ***Page 28***

8.0 LA07/2024/0563/F - 30m South East of 22 Rossglass Road South, Killough, Downpatrick, BT30 7RA - Conversion and extension of existing vernacular structure to form a residential dwelling

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

LA07-2024-0563-F.pdf ***Page 39***

9.0 LA07/2025/0035/F - 50 Meters South-East of 24 Windsor Hill, Newry City, County Down, Northern Ireland, BT34 1ER, Proposed Full Planning Application for the Erection 1 No. Detached Dwelling House, 1 No. Detached Domestic Garage, Site Access, Associated Car Parking, Ancillary Site Works and Associated Landscaping

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

LA07-2025-0035.pdf ***Page 61***

10.0 LA07/2023/2991/DCA and LA07/2023/2992/F - Lands incorporating nos. 8-18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City***

For Decision

CONSENT / APPROVAL

On agenda as a result of the Operating Protocol

***LA07/2023/2991/DCA - Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island.• The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Holywood Arts Centre as proposed by Newry, Mourne

and Down District Council under application LA07/2023/2193/F).

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

LA07.2023.2992.F & 2991.DCA.pdf ***Page 77***

11.0 LA07/2025/0186/F -Lands at Watson's Road/Doran's Hill Newry including lands to the east of Watson's Road - Proposed residential housing development of 176No. dwellings, including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include re-alignment of Doran's Hill & Watson's Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F)

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

LA07.2025.0186.pdf ***Page 116***

12.0 LA07/2023/2230/O - 55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU - Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

For Decision

REFUSAL

On agenda as a result of the Operating Protocol

Speaking rights have been requested in support of the application by Mr Declan Rooney

LA07-2023-2230-O.pdf ***Page 139***

LA07-2023-2230-0 addendum report.pdf ***Page 164***

LA07-2023-2230-O.pdf ***Page 167***

13.0 LA07/2024/0308/O- To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW- Site for dwelling and carport

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Colin O'Callaghan

LA07.2024.0308.O.pdf ***Page 169***

LA07-2024-0308-O.pdf ***Page 180***

14.0 LA07/2024/0050/F - Adjacent to and south of 12 Belmont Crescent, Forkhill Road, Mullaghbawn, BT35 9RB - Off-site replacement dwelling and detached garage to include the retention and preservation of the existing building to be used for ancillary storage

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Barney Dinsmore

LA07-2024-0050-F.pdf ***Page 182***

LA07-2024-0050-F.pdf ***Page 192***

15.0 LA07/2024/0097/F - 70m SW of 11 Coalpit Road, Newry, BT24 2RQ - Proposed replacement dwelling & garage with existing dwelling to be retained for agricultural storage

For Decision

REFUSAL

On agenda as a result of the call in process

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

LA07-2024-0097.pdf ***Page 194***

LA07-2024-0097-F.pdf ***Page 204***

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

16.0 Judicial Review Update

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

Report to follow.

For Noting

17.0 Historic Action Sheet

For Information

Planning Historic Tracking Sheet - 22-04-2026.pdf ***Page 206***

Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Mr Gerard Byrne

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Edel Cosgrove

Cllr Laura Devlin

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Joanne Johnston

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Sheila Kieran

Cllr Aurla King

Ms Elaine Kirk

Cllr Mickey Larkin

Cllr Niall Lawlor

Cllr David Lee-Surginor

Cllr Alan Lewis

Mrs Annamarie Loughan

Cllr Oonagh Magennis

Mr Conor Mallon

Mrs Patricia Manley

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Jonathan McGilly

Mr Martin McKibbin

Cllr Selina Murphy

Cllr Kate Murphy

Cllr Declan Murphy

Sinead Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn

Cllr Henry Reilly

Cllr Michael Rice

Ms Maria Rogan

Mr Peter Rooney

Mr Pat Rooney

Cllr Michael Ruane

Donna Starkey

Sarah Taggart

Cllr David Taylor

Mr David Telford

Cllr Jarlath Tinnelly

Cllr Jill Truesdale

Mrs Marie Ward

Cllr Helena Young

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 22 April 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:
Councillor W Clarke
Councillor L Devlin
Councillor G Hanna
Councillor D Murphy
Councillor S Murphy
Councillor A Quinn
Councillor M Rice

Committee Members in attendance on Teams: Councillor C Enright

Officials in attendance:
Mr J McGilly, Assistant Director: Regeneration
Mr Ashley Donaldson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms A Loughran, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Mr Ashley Donaldson, Senior Planning Officer
Ms E Kirk, Assistant Director: Legal & People
Mr Peter Rooney, Head of Legal Administration
Ms Lois Jackson, Development Plan Manager
Ms S Taggart, Democratic Services Manager
Mr C Smyth, Democratic Services Officer

P/025/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors McAteer and Tinnelly.

P/026/2026: DECLARATONS OF INTEREST

There were no declarations of interest.

P/027/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol

There were no declarations of interest in relation to Para. 25 of Planning Committee Operating Protocol.

MINUTES FOR CONFIRMATION

P/028/2026: **MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 25 MARCH 2026**

Read: Minutes of Planning Committee Meeting of Wednesday 25 March 2026. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 25 March 2026 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/029/2026: **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 22 April 2026. **(Copy circulated)**

AGREED: **On the proposal of Councillor Clarke, seconded by Councillor D Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 22 April 2026:**

- **LA07/2024/0605/F and LA07/2024/0608/LBC-** disused Old Church of Ireland Approx. 60m NNE of 5A Church Hill, Jonesborough, Newry BT35 8SG - Proposed change of use from disused Church Premises to sandwich bar/coffee shop/restaurant with the use of Newry, Mourne and Down District Council adjacent car park and extension accommodating kitchen and WCs.
  APPROVAL

DEVELOPMENT MANAGEMENT

P/030/2026: **PLANNING APPLICATIONS FOR DETERMINATION**

The Chairperson noted that while items 8 (LA07/2024/0749/O) and 9 (LA07/2024/0547/F) were two individual applications, they were interlinked and needed to be considered in conjunction with the other.

(1) **LA07/2024/0749/O and LA07/2024/0547/F**

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

Location:
Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR

and

Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR

Proposal:
Section 54 application for non-compliance with condition No. 9,Social Housing Provision, of Planning Approval LA07/2021/2131/F

and

Proposed social residential development consisting of 20no. dwellings and 4 no. apartments with associated landscaping and car parking

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Ms Manley stated that the applications were interrelated and were referenced in the planning report as Application 1 (LA07/2024/0749/F) and Application 2 (LA07/2024/0547/F). Application 1 was a Section 54 application seeking non-compliance with Condition 9 of planning permission LA07/2021/2131/F relating to the provision of social housing. Application 2 proposed a social and affordable housing development comprising 20 dwellings and 4 apartments with associated landscaping and car parking.

She explained that both sites were accessed from Ashgrove Avenue, were located between Newry High School and Sacred Heart Grammar School, and were surrounded by existing residential development. Both sites lay within the development limits of Newry City under the Banbridge, Newry and Mourne Area Plan 2015. Application 1 comprised 2.04 ha of land zoned for housing under NY50 and was subject to Key Site Requirements, including the delivery of at least 16 social housing units, while Application 2 lay on unzoned land. Ms Manley stated that the Planning Department had concluded that the proposals did not comply with the zoning or Key Site Requirements.

Ms Manley summarised the planning history, noting that permissions granted since 2012 consistently required the delivery of 16 social housing units on the zoned site and that attempts to remove this requirement had previously been refused. She stated that Application 1 sought to remove the social housing condition from the zoned site and relocate the obligation to the adjacent site through Application 2, to be secured by a Section 76 Planning Agreement. Application 2 followed an earlier, now expired permission and proposed a similar residential layout.

She advised that Application 1 required limited consultation, while Application 2 was fully consulted on, with consultees raising no objections subject to conditions. She referred to comments from the Housing Executive and Development Plan which indicated conditional acceptance of off-site provision, subject to satisfactory legal agreement and phasing. However, she stated that the planning report concluded that insufficient justification had been provided to relocate the social housing requirement and that concerns remained regarding delivery, phasing and compliance with the Area Plan and Key Site Requirements. Ms Manley noted that third-party representations had been received and addressed within the planning report. She concluded that no robust or compelling evidence had been submitted to justify removal of the social housing requirement from the zoned site and that refusal of both applications was recommended.

Speaking rights:

In Support:

Mr Eoin Morgan spoke in support of the applications, supported by Mr James Wright from Alpha Housing and Mr Michael Donnelly, quantity surveyor.

Mr Morgan stated that the proposals comprised two related planning applications, one seeking variation of a social housing condition and the other seeking amendment to a previous residential approval. He explained that the extant permission on the larger site allowed for 46 units, 16 of which were required to be social housing. He advised that, due to increased construction costs, the approved scheme on the larger site was no longer viable. Mr Morgan stated that the proposed solution was to redesign the smaller adjacent site to deliver smaller units better aligned with Northern Ireland Housing Executive requirements and affordability. He explained that the proposal would not remove the social housing obligation but would relocate and increase provision to 24 units approximately 20 metres away, with the tenure mix to be determined by the committee. He advised that delivery would be secured by a Section 76 Planning Agreement, which he described as a robust and commonly used mechanism.

He stated that pre-application discussions had taken place with the Council and that a draft Section 76 agreement had been submitted. He confirmed that the applicant was willing to agree the terms of the agreement with the Council, Housing Executive and Housing Association, including tenure mix and timing.

Mr Morgan outlined that housing need within the district and Newry City was acute and that the proposal addressed this need. He advised that viability concerns had been demonstrated through a submitted appraisal and that reducing unit sizes had improved viability, with designs informed by consultation with the Housing Executive and the Housing Association. He stated that statutory consultees, including Development Plan and the Housing Executive, supported the proposals in principle, subject to a Section 76 agreement.

He further advised that the proposal exceeded the key site requirement for social housing and did not undermine the plan-led approach, stating that the circumstances were site-specific and would not set a precedent. He noted that concerns regarding single-tenure development could be addressed through an agreed tenure mix, including co-ownership units and confirmed that the applicant intended to deliver both sites concurrently.

Mr Morgan concluded by requesting approval of both applications, subject to completion of a Section 76 Planning Agreement.

Mr Wright stated that Alpha Housing had been involved with the site for some time and that the site had been registered with the Northern Ireland Housing Executive. He confirmed that the NIHE supported the proposal and that the site formed part of the Social Housing Development Programme, with funding proposed in the current year's budget for 24 homes on the lower site.

He advised that Alpha Housing was currently delivering housing in Newry and wished to further address the high level of housing need in the area. He stated that a scheme of 24 units was considered an appropriate scale, avoiding management issues often associated with higher-density developments and providing family-orientated housing that would benefit the local community.

Mr Wright indicated that refusal of the proposal would require social housing to be re-provided on the larger site under current guidance, necessitating redesign and a further planning process, which would delay delivery and risk loss of funding within the current Social Housing Development Programme. He stated that the lower site had been designed to meet Alpha Housing's requirements and provided an effective means of delivering additional homes in the area.

Mr Donnelly stated that he had extensive experience in housing schemes for both social providers and developers. He advised that costings and a viability appraisal had been undertaken, taking account of the site's characteristics, including its sloping nature and increased construction costs. He stated that inflation had adversely affected viability across the sector and that the figures submitted related to the approved designs for both sites. He further advised that a secondary assessment considered the viability of Site B independently and that, when assessed overall, the provision of social housing on Site A did not generate an adequate return. He concluded that, on that basis, Site A would not be attractive for developers.

Ms Kirk clarified that, contrary to statements made by the applicant, Council's Legal Services had not agreed a section 76 planning agreement. She advised that only a draft had been submitted, which was typical at that stage, and that no agreement had been reached. She further clarified that the NIHE could not be a party to a section 76 agreement and had not been included in the draft. Ms Kirk explained that the Council would have been the relevant and sole enforcing party to any such agreement and that the Council held no legal powers over third-party bodies such as the Housing Executive or housing associations.

In response to a query from Councillor Devlin regarding viability, Mr Donnelly advised that viability for Site B required a reduction in unit sizes and an increase in density, as costs were driven by cost per square metre. Mr Wright advised that housing associations received grant funding from the Department for Communities (DfC) and were required to adhere to the Housing Association Guide, with funding based on unit size and location.

Councillor D Murphy referred to earlier discussion regarding whether a section 76 agreement had been agreed. Mr Morgan stated that a draft agreement had been submitted and that the applicant's solicitors had advised that it was acceptable in principle to deliver affordable housing on the smaller site.

Ms Kirk reiterated that no section 76 agreement had been agreed by the Council and that references to Legal Services having approved the agreement were incorrect. She advised that Legal Services could not approve such agreements and that approval rested solely with the Planning Committee. She confirmed that no negotiations had taken place and that a number of procedural steps would have been required before that position could have been reached.

In response to a further query, Mr Wright advised that section 76 agreements were typically entered into at the time of planning approval and bound to the land, transferring to any new landowner. He added that practices varied between councils, with some agreeing section 76 agreements prior to committee approval and others completing them following committee decisions.

Councillor Clarke queried whether the project remained deliverable given recent cost increases. Mr Wright advised that grant funding levels had been fixed following revised DfC rates issued eight months earlier and remained in place until at least March of the following

year. He stated that while rising construction costs affected affordability, flexibility existed through rental cash-flow modelling and, where applicable, allowances for site abnormals.

In response to further questions on section 76, Mr Morgan advised that delivery was subject to NIHE budgets and that discussions on tenure mix could be delegated to officers. He explained that some private housing would need to be delivered in advance of affordable units to support cash flow and requested flexibility in delivery terms, noting that up to 50 private units across both sites could have been delivered prior to commencement of the affordable housing.

Mr Wright stated that section 76 obligations required the provision of social housing, were bound to the land title, and that there was no intention to vary that requirement. He advised that, once a section 76 agreement was agreed, development would have commenced as soon as possible and that there was a condition requiring the social housing element to be completed within five years.

Councillor Enright asked about the practicality and legality of conditioning a section 76 agreement. Mr Morgan advised that the usual process involved a committee recommendation, followed by agreement in principle of heads of terms, with subsequent negotiation with officers and Legal Services. He confirmed that, once executed, a section 76 agreement was a legally binding obligation registered against the land title and enforceable through legal proceedings, including action in the High Court.

Ms Kirk advised that planning conditions should have been the first mechanism considered and that section 76 agreements were used only where matters could not be addressed through conditions. She stated that any resolution to enter into a section 76 agreement had to represent the final agreed position and that it was inappropriate to approve heads of terms subject to further negotiation. She added that, once the Council made a decision, it would stand, that only minor and consequential matters could have been addressed thereafter, and that further consultation with the applicant would have been required.

Following further protracted discussion and debate, Councillor Clarke proposed deferral of the applications to allow further discussions in relation to section 76. This was seconded by Councillor Rice.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Clarke, seconded by Councillor Rice it was agreed defer the applications to allow discussions to take place in relation to Section 76.**

(2) **LA07/2025/0797/O**

On agenda as a result of the Call in Process

Location:
Lands 30m SW of No. 17 Barrons Hill, Camlough, Newry BT35 7HJ

Proposal:
Dwelling on a Farm

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mrs Loughran advised that the application sought outline planning permission for one dwelling on a farm at lands 30 m south-west of No. 17 Barrons Hill, Camlough, Newry. She noted that the case officer's report was taken as read. It was reported that no letters of representation were received and that all relevant issues were addressed within the report. Mrs Loughran confirmed that consultees returned responses of no objection, together with standing advice.

She stated that the site lay within the countryside as designated in the Banbridge, Newry and Mourne Area Plan 2015. The proposal was therefore assessed against the SPPS and Policies CTY 1, CTY 8, CTY 10, CTY 13, CTY 14 and CTY 16 of PPS 21, with retained planning policies NH2, NH5 and AMP2 also applying.

Mrs Loughran indicated that the proposal satisfied the requirements of Policy CTY 10 relating to dwellings on farms. However, she highlighted that Policy CTY 8 required refusal of development that created or added to a ribbon of development. She outlined that the application site adjoined No. 17 Barrons Hill to the north, followed by a small gap and then No. 17A, both with frontages onto Barrons Hill. She concluded that approval of the proposal would have resulted in a ribbon of development, contrary to Policy CTY 8.

Turning to Policy CTY 13, Mrs Loughran explained that the site's topography and existing boundaries did not provide an adequate degree of enclosure. She observed that the site lacked established natural boundaries and that integration of a dwelling would have depended primarily on substantial new landscaping. It was further noted that the application site and development to the north shared a common frontage and were viewed collectively as ribbon development along Barrons Hill.

Mrs Loughran stated that, when considered alongside existing development, the proposal would have led to a suburban-style build-up, resulting in a detrimental change to the rural character of the area. She confirmed that this was contrary to Policy CTY 14, read as a whole, and the related provisions of the SPPS.

In conclusion, Mrs Loughran stated that the proposal failed to meet the requirements of Policies CTY 1, CTY 8, CTY 13 and CTY 14. Refusal reasons were provided, and for the reasons set out, the Department recommended refusal of the application.

Speaking rights:

In Support:

Mr Neil Mullen noted that the application is considered complaint with criterion A B C of policy CTY10. He added that the application was recommended for refusal as it contravened CTY8, which was a different policy.

Councillor D Murphy stated that Barron's Hill was a rural road with minimal traffic and questioned who it would be offending under CTY8.

Councillor Larkin proposed to overturn the recommendation to an approval as the application met all criteria of CTY10. Councillor Hanna concurred that CTY10 was fully met and seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2025/0797/O contrary to officer recommendation as contained in the Case Officer Report.**

(3) LA07/2025/1142/O

On agenda as a result of the Call in Process

Location:
Site 10m S of 79 Newry Road, Mayobridge

Proposal:
Replacement of existing dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Mr Keane stated that the proposal was an outline application for a replacement dwelling. He noted that the case officer's report, including the site history, was taken as read and that the application was recommended for refusal.

He advised that the site was located within the countryside and was therefore assessed under the provisions of PPS21. Mr Keane stated that the Planning Department considered the proposal failed to meet the requirements of Policy CTY 3 for replacement dwellings, as all external structural walls were not substantially intact. He emphasised that this was a fundamental requirement of the policy and that it was not sufficient for a building to merely exhibit the essential characteristics of a dwelling.

Mr Keane explained that Policy CTY3 required each external wall to be substantially intact

and that this assessment had to be applied individually rather than on a collective or averaged basis. While he acknowledged that the building displayed features consistent with a former dwelling, including domestic-scale windows, doors and a fireplace, he stated that its condition failed to meet the basic policy test.

He noted in particular that the principal elevation facing the road, along with the eastern gable, were not substantially intact, with a significant collapse evident and a large opening present on the eastern elevation. Although the remaining two walls were standing, Mr Keane stated that the extent of disrepair and collapse to the other elevations meant the building as a whole could not be regarded as substantially intact and was therefore contrary to Policy CTY3.

As the principle of a replacement dwelling was not accepted, Mr Keane stated that the proposal did not fall within any of the exceptions set out under Policy AMP 3. He further advised that the development would have resulted in the intensification of use of an existing access onto a Protected Route, which was contrary to the aims of PPS 3 relating to road safety and capacity.

In conclusion, Mr Keane stated that the proposal was contrary to planning policy and recommended refusal of the application.

Speaking rights:

In Support:

Mr Colin Dalton spoke in support of the application. He stated that Policy CTY 3 permitted replacement dwellings where the building exhibited the essential characteristics of a dwelling and where all external walls were substantially intact as a minimum. He noted that the officer's report acknowledged features such as openings to the front and rear elevations and the remains of an internal fireplace, which were often accepted as evidence that the structure had previously been used as a dwelling.

Mr Dalton stated that PPS 21 did not define "substantially intact" by reference to a specific percentage, but instead required a practical assessment of the building's overall structural envelope. He highlighted that the report confirmed two external walls appeared to be intact, meaning at least 50% of the external walls were undisputedly standing. He further explained that the eastern wall had partially collapsed but retained approximately 1.5 metres of masonry, which he considered demonstrated that the lower section remained intact. He stated that the front elevation retained the door opening, lintel and partial wall sections corresponding with former openings.

Mr Dalton argued that, taken together and as shown in photographs, the evidence indicated that the building remained significantly structurally present. He explained that fire damage had caused timber heads to burn, which resulted in the collapse of masonry above window openings, leading to the gaps visible in the gable and front elevations. He contended that these openings represented former window locations rather than evidence of wholesale structural collapse.

While acknowledging that officers accepted windows may previously have existed in the locations identified, Mr Dalton challenged the conclusion that masonry above the openings had collapsed in a manner that rendered the walls not substantially intact. He stated that masonry below the former window openings remained intact and noted that the dwelling

had been single-storey, with no blockwork above the windows. He concluded that the issue ultimately turned on interpretation of whether the building met the policy test of being substantially intact under Policy CTY 3.

In response to a query from Councillor Larkin, Mr Dalton confirmed that the window frames were steel but that the heads were timber. He stated that the building was single-storey and that there were no walls above the window heads; therefore, when the timber heads failed, no masonry remained above.

Councillor Murphy sought clarification on the interpretation of "substantially intact" under Policy CTY 3. Mr Keane explained that the policy required a replacement dwelling to exhibit the essential characteristics of a dwelling and, as a minimum, for all external structural walls to be substantially intact. He confirmed that the building displayed the essential characteristics of a former dwelling, including domestic openings and an internal chimney, and was accepted as likely having been previously used as a dwelling. However, he advised that the policy did not define "substantially intact" by percentage and required each external wall to be assessed individually. He stated that the rear wall and one side wall were substantially intact, while the front elevation was only partially intact and the remaining side gable was significantly collapsed. He concluded that the proposal failed to meet the requirements of Policy CTY 3.

In response to a query from Councillor Hanna, Mr Rooney confirmed that determining whether a building was substantially intact was a matter of planning judgement for the committee.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that the building had clearly been a dwelling at some point and was substantially intact. He further stated that accepting the building as substantially intact would remove the third refusal reason and that the proposal constituted sustainable development in the countryside.

This was seconded by Councillor Devlin.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to issue an approval in respect of planning application LA07/2025/1142/O contrary to officer recommendation as contained in the Case Officer Report.**

ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to exclude the public and**

press from the meeting during discussion on the following items, which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information) – and the public may, by resolution, be excluded during this item of business.

Agreed: **On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to come out of closed session.**

The Chairperson advised the following had been agreed whilst in closed session:

P/031/2026: **RECOMMENDATIONS FROM PLANNING ENFORCEMENT AUDIT REPORT AND REVISED PLANNING ENFORCEMENT STRATEGY**

Read: Report from Mr J McGilly, Assistant Director of Regenerations, regarding Recommendations from Planning Enforcement Audit Report and Revised Planning Enforcement Strategy.

AGREED: **It was agreed on the proposal of Councillor Clarke, seconded by Councillor D Murphy, it was agreed to note the recommendations from the Audit Report and to approve the proposed changes to the Revised Enforcement Strategy 2026 as outlined at Appendix A.**

P/032/2026: **PLANNING ENFOREMENT QUARTERLY UPDATE**

Read: Report from Mr J McGilly, Assistant Director of Regenerations, regarding Planning Enforcement Quarterly Update.

AGREED: **It was agreed on the proposal of Councillor Larkin, seconded by Councillor Hanna, to note the enforcement update.**

FOR NOTING

P/033/2026: **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Hanna, seconded by Councillor Devlin, to note the historic action sheet.**

There being no further business the meeting ended at 12.17pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 50% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 27 May 2026

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

- **LA07/2024/0568/F -** 46 Monaghan Street, Newry, BT35 6AA - Mixed use development to include 1 retail unit and 9 x 2 bedroom apartments
  APPROVAL

- **LA07/2024/0563/F -** 30m South East of 22 Rossglass Road South, Killough, Downpatrick, BT30 7RA - Conversion and extension of existing vernacular structure to form a residential dwelling
  APPROVAL

- **LA07/2025/0035/F -** 50 Meters South-East of 24 Windsor Hill, Newry City, County Down, Northern Ireland, BT34 1ER, Proposed Full Planning Application for the Erection 1 No. Detached Dwelling House, 1 No. Detached Domestic Garage, Site Access, Associated Car Parking, Ancillary Site Works and Associated Landscaping
  APPROVAL

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

  and

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

  CONSENT / APPROVAL

- **LA07/2025/0186/F -**Lands at Watson's Road/Doran's Hill Newry including lands to the east of Watson's Road - Proposed residential housing development of 176No. dwellings, including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include re-alignment of Doran's Hill & Watson's Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F) **APPROVAL**

-o-o-o-o-o-o-

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/0462/O	**Target Date:**
Proposal: Infill Dwelling and Garage	**Location:** Adjacent to and 20m north-east of 137 Tullybrannigan Road, Newcastle, BT33 0PW.
Applicant Name and Address: Sean Murray 47 Burrenbridge Road Castlewellan bt319ht	**Agent Name and Address:** Planning Experts 32a Bryansford Avenue Newcastle BT33 OLG
Date of last Neighbour Notification: **Date of Neighbour Notification Expiry:**	24.10.2024 07.11.2024
Date of Press Advertisement: **Date of Press Ad Expiry:**	04.09.2024 18.09.2024

ES Requested: No

The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 and while the site is under 0.5ha in size it falls within a sensitive area being the Mourne Area of Outstanding Natural Beauty therefore Environmental Impact Assessment screening is required.

Consultations:

NI Water was consulted and responded with no objections.

DFI Roads Initially responded to consultation advising that the application was unacceptable and requests that an amended site location plan showing the red line meeting the road edge. Amended drawings were submitted and DFI Roads consider them acceptable.

Environmental Health was consulted and responded with no objections

Representations:

A letter of objection was received from the occupiers of no 137 Tullybrannigan Road and was on the following grounds:

- The acreage of this proposal is too large for an infill site – the objector calculates the plot frontages of 133, 137, and 139 as 16m, 30m and 45m respectively

leaving plot sizes on average less than 31m with a gap of 96m the gap is too large to represent and infill.

- Location – the objector notes the number of dwellings within the area outside of no's 135 and 137 and claims some buildings have not been authorised by NMD Council.

- AoNB the objector believes that the development of the site would negatively impact on the integrity of the AoNB it rests within if developed.

- The objector has raised road safety issues noting the road is a popular bypass and additional traffic will impact on road safety.

- Health and Safety – the objector considers the noise, dust and disturbance will impact on the health of residents surrounding the site.

- Privacy, the objector believes the development of the site will impact on privacy and the occupiers right to the quiet enjoyment of their property.

Letters of Support	0
Letters of Objection	1
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	

Summary of Issues: The issues raised by the objector will be considered within the report.

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is a portion of an agricultural paddock being a small square type field that is relatively flat in nature and is bounded to the front by a granite stone low wall, the shared boundary with no 137 Tullybrannigan Road is a mix of a wire fence and high planted hedging and stone walling to the rear of the site. There is no boundary to the rear of the site, being the eastern boundary as the site does not run the full length of the field. The southern boundary is defined by a mix of hedging and thorns. The site sits alongside the Tullybranningan Road and has an agrcicultural field gate directly accessing out onto Tullybrannigan Road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Mourne Area of Outstanding Natural Beauty. The area is in close proximity to Newcastle however is not in an urban or built up environment and is in the vicinity of single dwellings and farm complexes and further agricultural lands.

Description of Proposal

Infill Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

LA07/2021/0712/O - Immediately South East of 137 Tullybrannigan Road Newcastle - Infill Site for 2 Dwellings and Garages – refusal 29.09.2021

LA07/2020/0474/F - Between 133 and 135 Tullybrannigan Road West 133 Tullybrannigan Road, Newcastle - 1 and a half storey dwelling and garage – Approval 11.06.2020

LA07/2018/1995/O – West of 133 Tullybrannigan Road, Newcastle - 2 Infill dwellings between 133 & 135 Tullybrannigan Road – Approval on Appeal – 05.04.2019

Consideration and Assessment

The proposal has been assessed against the following policies and plans:

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 Natural Heritage.
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 16: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage (SCBUF) and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the

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

The site in question is located along the Tullybrannigan Road and is a small agricultural field. The site sits adjacent to no 137 Tullybrannigan Road (north of the site) to the south of the site is a small paddock and beyond that is the dwelling no 135 Tullybrannigan Road.

The site frontage is approx. 57m wide

135 Tullybrannigan Road was accepted under previous consideration to have frontage onto the Tullybranningan Road, though it is noted that the majority of frontage is onto a lane off the Tullybrannigan Road along with the access to 135. The side garden to no 135 runs to the road and on this basis the previous assessment of accepting frontage onto Tullybrannigan Roads is accepted. 135 Tullybrannigan Road has a frontage of approx. 16.7m frontage

No 135 Tullybrannigan Road has a frontage of approx. 16.7m
No 137 Tullybrannigan Road has an approximate frontage of 34.7m
No 139 has a frontage of approx. 48.5m however the appearance of frontage also includes an area of ground to the side of no 139 that appears maintained, this adds an additional 59.5m onto the perceived frontage of no 139.
No 143 has a frontage on the curvature of the road of approx. 90m (including the shared access with sheds to the rear)
No 145 has a frontage of approx. 49m

In terms of a continuous and built-up frontage along this section of road it is noted that heavy planting does reduce the overall ability to decipher individual curtilages however the appearances of buildings, drives and differing boundary definitions and maintained lawns do give the overall awareness of dwellings.

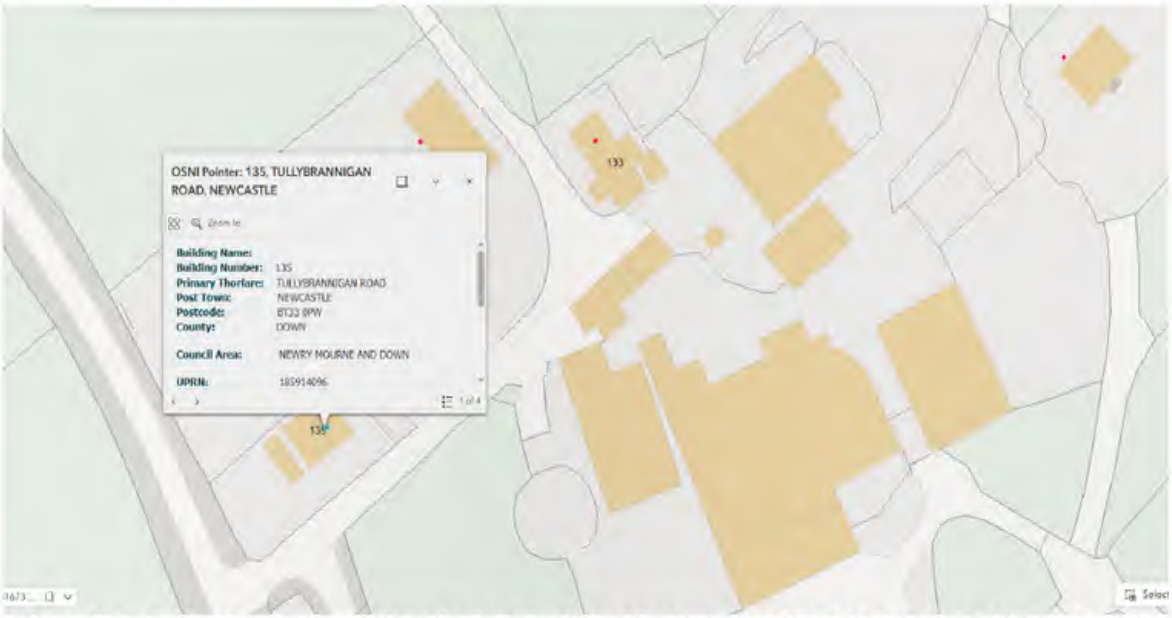
Dwelling nos 145, 143, 139 and 137 and 135 are all taken as having frontage onto Tullybrannigan Road and are in a row, with 5 dwellings contributing to the buildings with a front and associated outbuildings also present, exceeding the minimum requirement of 3 buildings. The average frontage is considered to be 59.6m as per the situation currently on the ground. The building to building separation distance is 97.2m and on this basis a maximum of two dwellings can be accommodated on the site.

LA07/2021/0712/O is considered which was an application on the same site for two dwellings, under this assessment the frontages considered were that of 135, 137 and 139 Tullybrannigan Road. The situation on the ground has been revisited and the curtilage of no 139 takes in a portion of ground to the side of the site that has to be

considered as overall frontage of no 139. The frontage of 139 directly abuts the curtilage of no 143 therefore 143 forms part of the consideration along with no 145 which also sits adjacent. The introduction of the two additional dwellings and the reconsideration of the curtilage of no 139 alters the overall frontages and plot sizes in existence along this portion of the Tullybrannigan Road. It is no longer considered that the gap between no's 137 and 135 Tullybrannigan Road can accommodate anymore than two dwellings and on this basis it is considered that the policy requirements have been fulfilled.

The objections in terms of the size of the site is taken into consideration with the plot size of the site at 0.2ha being questioned as too large. Policy requires the site to respect existing plot sizes in the area of which there are a range from the smallest being 0.1ha (no 135) and the largest being 0.4ha (no 145) therefore a refusal in terms of plot size of 0.2ha could not be sustained.

Clarification on numbering



Given the appeal referenced various numbers for the dwelling known as 135 the address has been checked and the Authority is satisfied the correct address has been referenced.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

(a) it is a prominent feature in the landscape.

The site is not located on elevated or prominent grounds and is to the slightly lower side of the road. Taking account of the surrounding landscape, planting and built development it is considered that a dwelling can be accommodated on this site without resulting in it being a prominent feature within the landscape.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
(c) it relies primarily on the use of new landscaping for integration.

The site can make use of existing boundaries to either side of the side including strong elements of planting to the side boundaries that help with integration. There are stone walls to the front of the site and on the shared boundary between the site and no 137 Tullybrannigan Road. Additional planting will be required to the rear of the site to form the rear boundary of the site however the site does not rely on this boundary for screening and integration but it will aid integration and the site can continue to benefit from the existing field boundary to the rear of the site.

(d) ancillary works do not integrate with their surroundings.

Taking account of the existing infrastructure in place it is not considered there will be any difficulty in necessary services and ancillary works being provided at the site. The site is roadside therefore will not require the creation of lanes, etc to access the site. All other necessary services can be accommodated at the site without having a negative impact on the surroundings. Should the application be acceptable the acceptability of the overall site layout and design of ancillary structures can be considered.

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

Given this is an outline application full particulars of the design have not been submitted but taking account of the site and the adjacent built development it is considered a single storey dwelling in height and design would be acceptable on this site. Consideration of the full design can be considered during subsequent application stages. It is noted there are a mix of styles and designs in the surrounding immediate area.

Amenity

Amenity is considered and it is noted that there has been objection from no 137 Tullybannigan Road, the objections consider the development of the site to be likely to impact on the privacy of no 137 Tullybrannigan Road. It is noted that there is a large sun room at no 137 that has a view into the site, any development of the site would have to respect the privacy of no 137 neither overlook or over shadow neither no 137 or any of the adjacent dwellings at the site. It is considered that the site could be developed without having an unacceptable impact on the neighbouring properties. This aspect of policy will require further consideration if this outline approval were granted. It is noted that the development of the site will change the aspect of no 139 that does sit in

extremely close proximity to the site and that has direct unobstructed views into the site, the design of the dwelling will have to respect the amenity of no 137.

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

Taking account of the existing landform and topography of the site it is considered that the dwelling can be accommodated on the site without requiring considerable intervention or land works. The front wall will require alteration for the provision of the access and associated sight splays however there will be no considerable loss of planting or hedging requiring removal. It is considered that the site can be developed without offending this aspect of policy.

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

This application does not seek a dwelling under CTY 10 therefore this aspect of policy is not applicable.

Consideration of CTY 14 Rural Character

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

(a) it is unduly prominent in the landscape.

As covered under CTY 13 the development of the site will not result in undue prominence within the landscape. The site can make use of additional lands to the rear of the site to act as a backdrop and to the site and the lands are not so elevated so as to result in undue prominence.

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

while there are a number of dwellings along the Tullybrannigan road and along the lane that runs off Tullybrannigan Road that serves no 135 Tullybrannigan Road that read along with the site however it is not considered that the development of the site would result in a suburban style build up of development at the site.

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

The pattern of development along this section of the road are primarily generous sized single dwellings on spacious plots, the development of this site would respect the existing character and the design can be given consideration in due course to ensure the dwelling would respect the overall character of development found in the area.

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

As the proposal is considered to meet the requirements of CTY 8 Ribbon Development and is accepted as the infilling of a small enough gap to accommodate up to two dwellings only taking account the plot sizes and frontages and character of the existing area. This aspect of policy is considered to have been adhered to.

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

As covered previously within the report the ancillary works are not considered to be likely to impact negatively on the rural character of the area. The majority of necessary services can be obtained at the site without the likelihood of a negative impact on the rural character.

Consideration Of PPS 2 Natural Heritage

The provisions of NH 2 and NH 5 are considered, it is noted that the ground is in agricultural use at present and maintained. There are no features within the site that require removal or that will be negatively impacted upon as a result of the development in terms of natural heritage. As the site is within the Mourne Area of Outstanding Natural Beauty a Bio Diversity Checklist was submitted and does not consider that any further studies will be required, the development of the site will not have a negative impact on protected habitats or protected species and no conditions or further recommendations have been made or are considered required in this respect. The bio diversity checklist was completed by an ecologist.

The site is within the Mourne Area of Outstanding Natural Beauty therefore NH6 of PPS 2 is applicable. NH6 Areas of Outstanding Natural Beauty states that permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality ands all the following criteria are met:

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

Taking account of the surrounding pattern of development the development of the site would be considered in keeping with the existing pattern of development within the surrounding area. The development of the site will not have any detrimental impacts on the overall character and appearance of the area.

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

This is an outline permission however it is not anticipated that the development of the site will have any detrimental impacts on the overall character or appearance of the area, a dwelling could be absorbed into the overall area at this location. It is noted that the site is not constrained by any heritage aspects. The site is an agricultural field that is grazed.

c) the proposal respects:

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

Again as this is an outline application the design has not been presented however it would be expected that the design of the dwelling would take into consideration the siting within the AoNB and would be finished in materials that respect the surrounding buildings and that won't detract from the area. The objections in relation to the impact on the Mourne AoNB have been taken into consideration however on the basis of the above assessment it is not considered that a refusal could be sustained.

Consideration of PPS 16 TSM 8 Safeguarding of Tourism Assets

TSM 8 states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. 7.39 of the justification and amplification states that for the purposes of this statement a tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists and the Mourne Area of Outstanding Natural Beauty would fall within this definition. It is not considered that the development of this site would impact on the character of the AoNB and also noting that the development is not considered to fail the policy requirements of CTY 13 of PPS 21. This aspect of policy has not been offended.

Consideration Of PPS 3 Access, Movement and Parking

Policy AMP 2 Access to Public Roads is considered and states that permission will be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a public road where:

a) **such access will not prejudice road safety or significantly inconvenience the flow of traffic.**

b) **the proposal does not conflict with Policy AMP 3 Access to Protected Routes.**

DFI Roads have been consulted and consider the application to be acceptable subject to conditions. The Tullybrannigan Road is not a protected route therefore consideration of AMP 3 as set out in the annex of PPS 21 does not require further consideration. This aspect of policy has not been offended. The comments from the objector have been taken into consideration however the traffic generation from 1 additional dwelling cannot be considered substantial enough a generation of traffic so as to be considered unacceptable, it is anticipated that the road network can absorb the additional traffic one unit would generate.

Consideration of Objection

The objection has been taken into consideration throughout the report and detailed within the report. The impact on all neighbouring dwellings has been given consideration as part of the assessment of this application.

Neighbour Notification Checked Yes

Summary of Recommendation
Based on the above assessment a recommendation of approval is made subject to conditions outlined below.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

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

Reason: To ensure the dwelling integrates into the landform.

5. The dwelling shall have be single storey in design and have a ridge height not exceeding 5.5 metres from finished floor level and designed with a gable roof.

Reason: In the interest of visual amenity.

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.4 metres at any point

Reason: In the interest of visual amenity.

7. The roofing shall be slates or flat non profiles tiles and shall be blue/black or dark grey in colour

.

Reason: To ensure that the proposal is in keeping with the character of this Area of Outstanding Natural Beauty.

8. The external wall finish to the proposed dwelling shall be a painted smooth render in a colour to be approved in writing by the Council.

Reason: To ensure that the proposal is in keeping with the character of this Area of Outstanding Natural Beauty.

9. A landscaping plan shall be submitted as part of the reserved matters application to include details of all boundaries. The planting plan as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.

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

10. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwelling have been submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality

Case Officer Signature: Fionnuala Murray

Date: 09.01.2026

Appointed Officer Signature: B.Ferguson

Date: 09/01/2026

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0568/F	**Target Date:**
Proposal: Mixed use development to include 1 retail unit and 9 x 2 bedroom apartments.	**Location:** 46 Monaghan Street, Newry, BT35 6AA
Applicant Name and Address: Gerard Tinelly 10 Newtown Rd Rostrevor Newry BT34 3BY	**Agent Name and Address:** Tania Rebelo Gray Design 40-41 the mall Newry
Date of last Neighbour Notification:	28 January 2025
Date of Press Advertisement:	18 February 2026
EIA Determination: N/A	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The proposal shall be considered against all relevant planning policies along with any relevant material considerations.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The application site is located within the City Centre of Newry as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site sits at the junction of Monaghan Street and Patrick Street and at present contains an empty retail unit that has become somewhat run down in its appearance.





As seen in the pictures above the unit has a number of roller shutters and a pitched gable roof.

The site is located in an area with a very mixed use of retail, offices, educational, cafes, takeaways and residential. The area is a diverse mix of designs with there being no prominent form of architectural design, the area includes some traditional buildings along with more modern examples. The size and scale of buildings vary with two and three-storey more predominant in the area.

Description of Proposal

Mixed use development to include 1 retail unit and 9 x 2 bedroom apartments.

Planning Assessment of Policy and Other Material Considerations

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS6 - Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

PLANNING HISTORY

There is no relevant planning history on the application site, the surrounding area has been subject to development pressures in recent years. The site is adjacent to the location for the new SRC campus.

CONSULTATIONS

Roads – Following the submission of additional information and amended drawings the latest response raises no objection subject to conditions and informatives.

NIW – NIW referred to a WWIA that has been submitted for the application site, given that a WWIA has been submitted this shows that the agent has engaged with NIW and as such a negative condition can be included on any approval.

NIEA
Water Management Unit – No objections raised, the response refers to the ned to comply with standing advice.

Environmental Health – No objections, the response suggests a condition with regards to operating hours.

DFI Rivers – The latest response raised no objection to the proposal having considered additional information submitted, a condition is suggested.

HED (Historic Monuments) – no objections raised considered in line with PPS6.

Loughs Agency – No objections raised, conditions and informatives suggested.

REPRESENTATIONS
The application was advertised on 11&12/06/2024 and then again on 17&18/02/2026. Forty-eight (48) neighbouring properties were notified on 14/01/2025 and then again on 02/02/2026, no objections have been received.

EVALUATION

Proposal
The proposal will see the existing retail unit on the site removed and the creation of a new retail unit on the ground floor with apartments above. The proposal will see the creation of nine apartments, the proposal will see three apartments over three floors, each apartment is to have two bedrooms.

The proposal will include parking within the site for six cars, a roller shutter entrance will provide access from the street to the parking and yard area of the site, bicycle parking is also proposed. A separate area for bin storage is proposed at ground floor level to the rear of the retail unit. Access to the apartments will be from Monaghan Street and from within the rear parking and yard area, both a lift and stair access are shown on submitted drawings.

The proposed design is quite modern in appearance and will include small areas of external space for each apartment unit, although four-storey the proposed building will have a ridge height similar to another building in close proximity to the east along Monaghan Street.

EIA Screening
The proposal does not fall within the threshold set out in the Planning (Environmental Impact Assessment) Regulations (NI) 2017 and so an EIA determination is not required.

Given the urban location within the City Centre and existing buildings on the site it was not considered necessary to request a Biodiversity Checklist, the proposed development is not within a designated site.

Planning Act:
Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it 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.

Development Plan:
Banbridge Newry and Mourne Area Plan 2015
The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area Plan 2015.

The application site is not zoned within the plan and so is viewed as whiteland where the Plan is silent on the use and decision making is deferred to the retained policies explored below.

Strategic Planning Policy Statement for Northern Ireland
Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

In terms of the commercial element of the proposal, the SPPS will be the key policy given the discontinuation of PPS 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.

Noting the planning history of the site with an existing unused retail unit on the site, the surrounding commercial environment, it is reasonable to conclude the acceptability of a commercial unit at this site. The proposal will look to redevelop the site but will retain the retail aspect within the Town Centre which is in line with the objectives of the SPPS.

The scale of the proposed retail element is considered modest and proportionate to its setting and in keeping with surrounding retail uses. The design appears as a typical shopfront with a modern finish and is considered acceptable for the area. The nature of the unit has been stated as retail in information submitted by the agent.

I am content the retail aspect of the proposal is acceptable at this site and in conformity with the policy provisions of the SPPS.

The proposal will be assessed against regional operational policy, Planning Policy Statement 7 – Quality Residential Environments, PPS 7 Addendum: Safeguarding the Character of Established Residential Areas and Creating Places.

Policy QD1 of PPS7 requires planning permission for new residential development to demonstrate a quality and sustainable residential development where the design and layout will reflect the positive aspects of the character and appearance of the surrounding area. Such proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Policy QD 1 of PPS 7:
All proposals for residential development will be expected to conform to all of the following criteria:
a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions,

massing and appearance of buildings, structures and landscaped and hard surfaced areas;

As stated above the character of the area presents a mix of development types and land uses. The existing development in the area is a mix of property types but it does include three storey buildings with a similar ridge height to that proposed. As the character of the area features diverse land uses including residential development, the principle of the development is considered not to present significant adverse harm to the existing character of the area.

It is considered that the proposed development respects the context of the area and has been designed to fit the corner site on a junction. The proposal looks to re-develop and rejuvenate the site with removal of a run-down unit to be replaced by a modern development that will be a focal point of the area at this location on the junction of two busy roads. The proposal will result in an overall improvement given the acceptable massing and appearance of the proposed apartment block. The proposal does not include landscaping features given its urban location, parking and bin storage is proposed along with a small amount of private amenity space for each apartment.

The proposal is considered in line with this policy criteria.

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

HED (Historic Monuments) provided comments stating it has considered the impacts of the proposal, HED is content that the proposal satisfies PPS 6 policy requirements.

The proposal is considered in line with relevant policy and HED are content with the proposal.

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

The proposal includes small areas of private amenity space for each apartment within external balconies, the town centre location of the site is also acknowledged. The site is located within an area where existing residential units have limited amenity areas within their site. Although the level of amenity space is limited within the proposal consideration must be given to surrounding areas including urban parks in the vicinity.
A more significant amenity option is Newry Leisure Centre which is located a short walk from the application site, the centre includes a number of indoor facilities along with a large area of open space that is easily accessible from the application site. Having considered the town centre location of the site it is felt that the level of amenity space

proposed is considered acceptable given the level of open space and facilities within easy access of the site.

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

All the necessary services are located in close proximity to the site given its town centre location.

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

The site provides a good location in terms of providing a movement pattern that supports walking and cycling, the proposal meets the needs of people whose mobility is impaired as there are good public footpath links. Proposal offers proximity to good public transport links and neighbourhood facilities.

f) Adequate and appropriate provision is made for parking;

Initially the proposal included no parking within the site, having raised significant concerns the proposal was amended to now include some parking within the site. The amended layout shows the provision of 6 parking spaces within the application site, although the provision falls short of the suggest provision given within the Parking standards having been discussed in a Group Meeting it was considered that in this specific case the lower provision is acceptable given the town centre location.
Consideration has been given to the application site's City Centre location, existing parking areas close to the site and the close proximity to public transport including the nearby bus and train stations, these considerations warrant a reduction in the parking requirements at the site, as such the level of parking proposed is considered acceptable in this case.

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



As previously stated, the area has no defined character with the majority of buildings differing in their overall size, scale and design. The above images show the modern

proposed design, the image on the left includes existing development along Monaghan Street which is somewhat similar with modern elements and similar ridge height.
It is considered that the proposed design is of an acceptable form and detailing and that materials proposed are acceptable in this urban central location.

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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

No objections have been received from any neighbouring properties.

The proposed development is taller than a lot of exiting development however the proposal will not result in the loss of amenity to any residential properties given separation distance. The proposed balcony areas for each apartment will overlook the public street or look into the rear parking area, the proposal will not overlook any private amenity space.

The proposal is considered to be in line with this policy requirement.

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

The proposal is designed to deter crime and promote personal safety as far as is appropriate for a proposal of this size and scale. The proposal is considered to comply with this criterion.

Overall, the proposal complies with Policy QD 1.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
Policy LC 1 of Addendum PPS 7 states:
"In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:
(a) the proposed density is not significantly higher than that found in the established residential area;
(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
(c) all dwelling units and apartments are built to a size not less than those set out in Annex A."

Para 2.4 of Policy LC 1 states
"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The proposal involves the creation of 9 apartments in an area of mixed use, I am content that the proposed density is not significantly higher than that found in the surrounding area. The pattern of development is considered in keeping with the overall character and environmental quality of the established area and the proposed apartments are in line with Annex A.

PPS 12: Housing in Settlements
The proposal complies with the planning control principles detailed in both PPS12 and the SPPS.
Increased housing density without town cramming – the proposal will increase the housing density in the city centre without eroding local character, environmental quality or amenity. It is acknowledged that the proposal introduces a development with a high density but given its city centre location, accessibility to public transport and the need to achieve more sustainable compact urban forms it is considered a suitable location for this proposal.
Good design – the design of the scheme respects the context of the area and follows local traditions in respect of form, materials and detailing while providing a modern development.
Sustainable forms of development – This proposal supports the principle of the creation of compact urban forms through the reuse of derelict lands within the city centre and in doing so is promoting more sustainable patterns of development by assisting urban regeneration and optimising existing infrastructure.
Balanced communities – The proposal will create apartments offering choice to meet different needs within the community.

DES 2 - Townscape
In view of the above, it is considered that the proposal is in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal will re-develop the site and is considered respectful of the existing character in terms of design, scale and use of materials.

It is noted that Policy DES 2 refers specifically to towns and villages. It is however considered that while Newry is now a designated city, it was a town for the purposes of this policy requirement. It is considered appropriate to apply it in the context of this planning application.

PP3 Access, Movement and Parking
As stated above the parking is considered adequate for the site given its location, DFI Roads raised no objections to the proposal subject to conditions, the proposal is considered in line with the requirements of PPS3.

PPS 15: Planning and Flood Risk
DFI Rivers had requested that consideration be given to if the proposal was seen as a exception to FLD1 given the location within a flood area. Having discussed the response at a Group Meeting it was decided that given the existing development on the site and the proposal looking to re-develop the area of land the proposal is seen as an exception. The latest response from DFI Rivers considered all information provided and raised no objections with a condition suggested to be included on any approval.

Summary
The proposed development will look to improve the appearance and character of the area with the construction of a modern mixed use building which will be a focal point in the area. The proposal will retain the retail element at the site along with providing much needed residential stock in the central location.

The proposal is considered to be in line with all relevant policy as detailed in the above report and as such is recommended for approval subject to relevant planning conditions.

Neighbour Notification Checked	Yes

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

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

2. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event including an allowance for climate change and urban creep.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Site layout plan 201 Rev C, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

6. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 05, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

7. The ground floor unit hereby approved shall be for retail use only and no other use.

Reason: To safeguard residential amenity.

8. The hours of operation for the retail unit shall be limited to 9.00am – 5.30pm Monday to Saturday only.

Reason: To safeguard residential amenity.

Case Officer Signature: W Donaldson

Date: 07/05/2026

Appointed Officer Signature: A Loughan

Date:08/05/2026

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/0563/F	**Target Date:**
Proposal: Conversion and extension of existing vernacular structure to form a residential dwelling	**Location:** 30M South East of 22 Rossglass Road South, Killough, Downpatrick, BT30 7RA
Applicant Name and Address: Sean Craig 22 Rossglass Road South Killough Downpatrick Bt30 7ra	**Agent Name and Address:** Barry Hillen 87 Central Promenade Newcastle Bt33 0hh
Date of last Neighbour Notification:	28-10-2024
Date of Press Advertisement:	

ES Requested: No
EIA Determination: Yes

Under regulation 12 of the Planning 'Environmental Impact Assessment (EIA) Regulations (NI) 2017, the Planning Authority is required to make a determination as to whether the proposed development would or would not be deemed EIA development.

While the proposal does not exceed the development threshold of 0.5 hectares given the site area is only 0.4 hectares, the site is located within an Area of Outstanding Natural Beauty (Strangford & Lecale AONB). It follows that the proposal will therefore fall within Schedule 2, being in a sensitive area. Category 10 (B) of the Planning Environmental Impact Assessment) Regulations (NI) 2017. Schedule 2: Category 10 (B) is the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks.

In accordance with the regulations, a screening exercise was carried out to determine whether or not an EIA is required. An Environmental Statement is not required – see determination for reasons.

Consultations: See Report

Representations: None

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at 30M south east of 22 Rossglass Road South, Killough, Downpatrick.





Date of Site Visit: 4 March 2025

Characteristics of the Site and Area

The site is a roadside site in close proximity to No 22 Rossglass Road South, and is comprised from a smaller portion of two separate agricultural fields, two detached stone buildings and a detached rendered single storey garage. The garage is within the north-west corner of the plot. The fields are accessed from Rossglass Road South through an established field gate at No 22 and further to the NE there is another field gate along the roadside which the buildings can be accessed from.

The larger field boundaries are defined by open wire fencing along the northern boundary shared with the public road. The red line of the site is undefined forming part of the two larger fields separated by an internal boundary that includes an open wire fence, a stone ditch and native hedge which continues in a roughly southern direction. The buildings included within the site are 3 detached structures, 2 of which are included within the proposal. The single storey detached garage associated with No 22 located within the northwest corner of the site has been excluded from the details of the proposal but for the purposes of the application and proposed access arrangements, this building and the adjacent drive of No 22 has been included within the red line of the site location.

The buildings to the south and east of the garage include a larger rendered stone and block work building with a pitched roof finished with metal corrugated sheeting and a smaller building of finished with render and a pitched slate roof.



Description of Proposal

Conversion and extension of existing vernacular structure to form a residential dwelling

Planning Assessment of Policy and Other Material Considerations

The application site is located outside the settlements in the open countryside, with the AONB - Strangford and Lecale as designated in the Ards and Down Area Plan 2015. The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS) Ed2

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

Ards and Down Area Plan (2015)

Guidance
Building on Tradition
DCAN 15 Vehicular Access Standards

PLANNING HISTORY

Planning
Application Number: LA07/2018/0891/F
Decision: Permission Granted
Decision Date: 14 June 2019
Proposal: Conversion and extension of existing vernacular structure to form a residential dwelling

Application Number: LA07/2019/1339/DC
Decision: Refusal
Decision Date: 15 October 2019
Proposal: Discharge of condition 7 of planning approval LA07/2018/0891/F

Condition 7: No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant to the Council and approved by the Department. The programme should provide for a level 2 historic building survey and the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Application Number: LA07/2020/1120/DC
Decision: Approval
Decision Date: 20 October 2020
Proposal: Discharge of conditions 7 and 8 of planning approval LA07/2018/0891/F (Archaeological conditions)

Objections & Representations
In line with statutory requirements neighbours have been notified on 28.10.2024. The application was advertised in the Down Recorder on 03.09.2025. No letters of objection or support have been received in relation to the proposal.

Consultations
DFI Roads – No objections subject to conditions

Environmental Health – No objections

NI Water – statutory response

NIEA – Natural Environment Division – No objections – refer to standing advice

NIEA Water Management Unit – No objections subject to standing advice

NIEA Marine and Fisheries Division – **Objects**

NIEA Marine Conservation Branch has considered the impacts of the proposal and on the basis of the information supplied is content that there should be no adverse impacts on marine protected areas, marine habitats and/or marine species, provided Conditions and DAERA Pollution Standing Advice are adhered to.

However, Marine Conservation Branch, do however have concerns relating to the proposal's potential impact on the Dundrum Bay Regional Seascape Character Area (RSCA). In addition, MCB have concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon this proposed development.

Shared Environmental Services (16-04-2026) – No objections

Proposal

The proposal is for conversion, with extension and adaptation, of the existing structure into a dwelling.



Proposed site layout

The proposal includes conversion, with extension, of the north western building into 3 bedrooms and a hall and store. The extension will provide for the 4th bedroom (master suite), living space, dining, main bathroom and a glazed link connecting the other building, which will accommodate the kitchen. The plan will require the removal of the existing stone ditch and hedge between the two buildings and the addition of new boundaries. The access from the Rossglass Road south is adjacent to the existing

detached garage of No 22, and as all the boundaries of the site are new, they will be defined by a hedge of native species (detailed in the site layout).



Proposed Floorplans and Elevations

Consideration and Assessment:

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

As per the current development plan – The Ards and Down Area Plan 2015, the site lies outwith the settlement limits and in the rural area and within the Strangford and Lecale AoNB.

The principle of development has already been established on the site through granting of planning permission under application LA07/2018/0891/F approved on the 14th June 2019 with 10 conditions. This application was received on the 9th April 2024, within 5 years of the previous full permission and has been accepted as a renewal. The applicant thus meets the legislative requirement, as set out in Article 3(5)(a) of the Planning

(General Development Procedure) Order (NI) 2015 for consideration as a renewal of permission.

In consideration of a renewal application applicants/developers who are not in a position to commence development within the required timeframe may choose to apply for renewal of planning permission as the expiration of the time limit for implementation of the planning approval approaches. Under section 54(5) of the 2011 Act the time limit cannot be extended. **Under Article 3(5)(a) of the GDPO** applications for such a renewal may be made simply in writing, referring to the existing planning permission.

Anyone can apply to Council's Planning Department to renew planning permission and you are not required to be the applicant of the extant planning permission. The applicant in this case is the same person as the previous permission.

SPPS

On the 11th December 2025, the Department for Infrastructure published the Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' Edition 2 (SPPS2), which includes new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2, makes clear that all other policy provisions within the former SPPS are unchanged. The SPPS2 is material to all decisions on individual planning applications and appeals. The SPPS2 retains policies within existing planning policy documents until such time as Plan Strategies for the whole of the Council areas in NI have been adopted. No Plan Strategy has been adopted for Newry Mourne and Down Council as yet. The SPPS2 (thereafter referred to as the SPPS) sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Consideration of the relevant policies are set out below.

Consideration and Assessment:

In consideration of the above there has been a material change in the planning circumstances since the original planning permission in that the second edition of the SPPS has been introduced.

Paragraph 3.11 of the new SPPS states that Climate change adaptation is the process of adjusting to the changes in our climate and planning how to prepare for the future. Adaptation also means seeking out ways in which opportunities arising from potential climate changes can be exploited. In January 2014 'A Northern Ireland Climate Change Adaptation Programme' was published. This document sets out the strategic objectives,

proposals and policies by which each department will contribute to this adaptation programme. Paragraph 3.13 of the SPPS lists a number of factors that the planning system should therefore help to mitigate and adapt to climate change. This includes "avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms".

In terms of the consideration of the above, there has been no significant change in circumstances of the physical site layout of the buildings or no new roads considerations. There is, however, new information in relation to Climate Change, coastal erosion and Impact on seascape which will be discussed further in this report. The principle of development was approved by the Planning Committee at that time, with the Planning Authority at that time having delegated authority to issue it with 10 conditions. In line with the decision made by The Council previously, and in the interests of fairness to the applicant, it is deemed that the proposal therefore still meets with the policies under CTY 1, CTY 4, CTY 13, CTY 14 and CTY16 and the relevant parts of the SPPS in relation to these policies. The proposal is being served by a septic tank within land owned/ controlled by the applicant. The granting of planning permission does not negate the need that other consents outside of the planning process may be required. A consent to discharge would need to be applied for to DAERA NIEA.

Given the interim timeframe from the issuing of the previous permission, it was deemed necessary to send out further consultations particularly in terms of full compliance with the SPPS and Planning Policy Statement 2 – Natural Heritage.

PPS 2 – Natural Heritage

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

NH 1 and NH 3 are relevant to the proposal.

Policy NH 1 – European and Ramsar Sites – International

This policy states that planning permission will only be granted for a development proposal that either individually or in combination with existing and / or proposed plans or projects, is likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- listed or proposed Ramsar Site

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- there are no alternative solutions; and

- the proposed development is required for imperative reasons of overriding public interest; and

- compensatory measures are agreed and fully secured.

As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or

- agreed in advance with the European Commission.

Policy NH 3 Sites of Nature Conservation Importance - National

NH 3 states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;

- a Nature Reserve;

- a National Nature Reserve; or

- a Marine Nature Reserve

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

An updated Biodiversity Checklist and PEA were requested and submitted on behalf of the applicant by Allen and Mellon Environmental in January 2025 and a Bat Report were by Allen and Mellon Environmental in August 2025.

The PEA report indicates that the proposed development site lies close to the shoreline which is within the Tyrella and Minerstown ASSI. The marine area beyond the ASSI is part of the Murlough Special Area of Conservation (SAC). The application boundary is approximately 25m from the boundary of the designated ASSI at its closest point. The ASSI becomes St. John's Point ASSI some 450 metres to the south of the site.

Ballycam ASSI is a small fen approximately 270 metres to the east of the site across the Rossglass Road South. This fen is a component of the Lecale Fens SAC complex designated for their wetland habitats. In addition, the Killough Bay Special Protection Area (SPA) / Ramsar site is situated 2.4 kilometres to the east of the site between Killough and Ardglass villages. This site is designated for its population of wintering light-bellied brent geese.

NIEA NED were consulted and have no objections and refers to the DAERA Standing Advice – NED – Single Dwellings.

SES had also been consulted and in order to complete a robust HRA, SES required additional information from DAERA Marine and Fisheries affirming any necessary mitigation measures (including timings) for the protection of Harbour Seal given proximity to Murlough SAC.

Marine Conservation Branch in their response on 5th February 2026, concluded that additional seal survey work is not required. There is a seal haul-out approximately 230m from the proposed dwelling and whilst further survey work would add detail, they do not feel it would make any significant difference to the assessment. In addition, specific mitigation is not required for the seal haul-out. MCB consider that the building work associated with constructing the new dwelling will not have a significant impact on the Harbour Seal SAC feature. Building work does not need to avoid the seal pupping/moulting seasons (May to August). Injury to hearing will not occur so this leaves disturbance as the issue for consideration. The construction site is about 230m from the nearest seal haul-out. It is difficult to be certain how seals will react to building work but if disturbed the seals can choose to use an alternative haul-out at nearby Corely Point,

so minor displacement should be the worst-case scenario. The seals in the Dundrum Bay area may have some tolerance of human activity and noise. The Rossglass Road South is nearby so traffic noise is present daily. Seals are tolerant of the firing range at Ballykinler, which can include long range warning announcements directed towards straying members of the public via loudspeakers. The work will be temporary in nature and there is no indication that noisy construction techniques such as piling will be involved.

NIEA Marine Conservation Branch (MCB) has considered the impacts of the proposal and on the basis of the information supplied is content that there should be no adverse impacts on marine protected areas, marine habitats and/or marine species, provided conditions and DAERA Pollution Standing Advice are adhered to.

Marine Conservation Branch, do, however, have concerns relating to the proposal's potential impact on the Dundrum Bay Regional Seascape Character Area (RSCA). In addition, MCB have concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon this proposed development.

Coastal Geomorphology

Climate Change

After assessing the information provided, MCB note that this proposal is situated in close proximity to the coastline. Given its location, they have concerns that this proposal may be impacted by climate change, sea level rise, and coastal erosion in the future. MBC state that it is now widely accepted that climate change is happening, and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. This may lead to increased rates of erosion in coastal areas.

Coastal Erosion

MCB advise that this proposed development and associated access road is located directly adjacent to the coastline. MCB advise that the recently completed Northern Ireland Historical Shoreline Analysis Survey indicates that this section of coastline has historically been eroding at a rate of between 0.02 – 0.05m per year. As highlighted above, climate change and sea level rise may lead to increases in the rates of erosion. Consequently, given the proximity of this proposed development and associated access road to the coastline we would advise that it may be impacted by coastal erosion in the future.

Seascape

The application site is located within the Dundrum Bay Regional Seascape Character Area (RSCA). In accordance with the UK Marine Policy Statement 2.6.5.3 and 4, in considering the impact of an activity or development on seascape, the public authority should take into account existing character and quality, how highly it is valued and its capacity to accommodate change specific to any development. Landscape Character Assessment methodology may be an aid to this process. For any development proposed within or relatively close to nationally designated areas the public authority should have regard to the specific statutory purposes of the designated areas. The design of a development should be taken into account as an aid to mitigation.

MCB indicate that as the application site is situated on a relatively undeveloped section of coastline, 'outside of the town limits and within an Area of Outstanding Natural Beauty' (Design and Access Statement), this proposal has the potential to adversely impact the RSCA. MCB find this because the application proposes to significantly increase the size of the existing development and change the building aesthetics as well as landscape the application site. Therefore, they advise the application, in its current form, is contrary to the following policy:

Strategic Planning Policy Statement section 6.48: 'Where development is permitted in sensitive locations, particularly in the undeveloped coast, it will be incumbent upon the planning authority to mitigate any adverse impacts through the use of appropriate conditions. In particular, conditions should be used to minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that building design is of high quality and appropriate to the coastal setting. Conditions should also be employed to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.'

Coastal Erosion Consideration

While the Marine and Fisheries Division (MFD) raise concerns regarding coastal vulnerability, Officers must balance the 'precautionary principle' cited in the SPPS with the requirement for proportionate decision-making. Officers note that the existing buildings on this site date back to at least the early 1900s and possibly back to the 1800's, establishing a long-term pattern of built form on the site. The proposed dwelling is situated with a setback of between 40m-50m metres from the field boundary. The PEA indicates that the application boundary is approximately 25m from the boundary of the designated ASSI at its closest point. While the actual physical buildings are set further back than the red line boundary, even with this closer buffer of 25m when applying the MFD's maximum cited historical erosion rate of 0.05m per year, this site possesses a statistical buffer of over 500 years. This exceeds the standard 75–100 year 'planned lifetime' of a residential development as required by the UK Marine Policy Statement.

Furthermore, the proposal is sited further away than the applicant's existing dwelling, which is located closer to the shoreline as is No 24. While sea-level rise is a known factor, the setback ensures that coastal processes are unlikely to impact the structural integrity of the dwelling within a reasonable planning timeframe. The applicant is in ownership of the immediate surrounding land and he may be able to make alterative arrangements in terms of the access, should localised erosion impact the current road in the long-term future (and subject to a future planning application). Consequently, a refusal on the grounds of coastal erosion is considered disproportionate and could not be sustained given the site-specific circumstances of this site. The applicant is advised by way of an informative that any future coastal defences or protection, if required, would necessitate planning permissions/ marine licences and would be subject to HRA. There is no guarantee that future sea defences would be approved.

Seascape Consideration

In terms of Seascape, officers must give appropriate weight to the 'fall-back' position established by the previous approval. This is a renewal application for a design previously deemed acceptable under PPS 21. Officers note that seascape character is not static; however, there has been no material change in the physical site circumstances or the legislative context since the last grant of permission. The proposed 107m² extension utilises a subservient flat-roof design, ensuring it remains low-profile and does not compete with the silhouette of the existing 1900s buildings. In addition, the 40-50m setback from the coastline provides a substantial physical buffer that would reduce the dwelling's visual prominence from sea-level viewpoints. The submitted landscape plan using native species will further soften the development's edge from these viewpoints. By removing Permitted Development Rights, the Planning Authority retains long-term control over the site's character. Consequently, as the design remains unchanged and the site context is similar, a refusal on seascape grounds would be inconsistent with previous decision-making and cannot be sustained.

Notwithstanding the above, previous consultations had taken place with DAERA NIEA Marine Team, Coastal Development Team, Water Management Unit and Natural Environment Division on the previous approved application which had previously deemed this to be acceptable.

Designated Sites

This planning application was therefore considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority

responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16/04/2026. This found that the project would not be likely to have a significant effect on any European site.

Given the above the proposal complies with the SPPS and policies NH1 and NH 3 of PPS 2.

Policy NH 2 - Species Protected by Law

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

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

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

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

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

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

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

In terms of NH 2 and NH 5 of PPS 2, NED acknowledges receipt of Biodiversity Checklist & a Bat Survey Report and refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings.

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met: a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and c) the proposal respects:

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

NH6 had previously been considered as documented above and the design, materials and finishes are all deemed to be acceptable. The proposal complies with NH 6 of PPS 2.

The seascape comments from MCB have been considered and weight attached appropriately. It is concluded that the development would not further detract from the

landscape quality and would not be detrimental to the visual amenity of Strangford and Lecale AONB nor warrant refusal of the application.

Flooding and Drainage

The site does not lie within the 1 in 100 year fluvial flood plain or the 1 in 200 year coastal flood plain and the proposal does not trigger any thresholds which would require a drainage assessment. Consultation with DFI Rivers was not considered necessary. Water Management Unit were also consulted and would refer to DAERA Standing Advice - Single Dwellings available.

Archaeology & Built Heritage

HED (Historic Monuments) has assessed the application. Informed by previous archaeological testing on this site under excavation licence AE/19/155, HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Conclusion

This is the first renewal application for the site, submitted prior to the expiry of the previous permission; as such, the 'principle of development' remains established.

While the concerns raised by DAERA regarding coastal erosion and seascape impact have been carefully assessed, they are not found to be of such significance as to warrant refusal. Specifically, the setback provides a sufficient buffer against projected erosion rates, ensuring the development is safe for its planned lifetime. Furthermore, the low-profile, subservient design and landscaping plan ensure the proposal integrates into the AONB without harming the Dundrum Bay Seascape.

In the interests of fairness, proportionality, and consistent decision-making, and given that there has been no material change in site circumstances since the previous approval, the proposal is deemed to comply with the SPPS. The application is therefore recommended for Approval subject to the conditions below.

Recommendation: Approval

As the Officers are going against the advice of a consultee, namely DAERA – Marine and Fisheries Division, this application will have to be presented to the Planning Committee.

The plans to which this approval relate include:

Site location plan – A4-01A

Existing Site layout Block Plan – A3-02 REV A

Proposed Site layout Block Plan – A3-02 REVD

Existing Floor Plan & Elevations – A2 12

Proposed Floor Plan & Elevations – A1 13

Conditions

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

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

2.The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan A3-03REV D prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4.Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwellinghouse hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of this development requires detailed consideration to safeguard the amenities of the surrounding area.

5.Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of the dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To preserve the open plan nature of the estate.

6.Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no windows/dormers/extensions other than those expressly authorised by this permission shall be constructed.

Reason: To preserve the architectural integrity of these locally important buildings in this AoNB.

7.All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development hereby approved.

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

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

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

9.No development can 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 Water (NI) Order 1999. Details of such shall be provided in writing and agreed by the Planning Authority.

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

10. DAERA Marine Wildlife Disturbance Standing Advice must be adhered to.
Reason: To prevent marine mammal disturbance as required under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Wildlife (Northern Ireland) Order 1985 (as amended).

Informatives
1.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3.The conditions and informatives set out in DAERA Standing Advice – Single dwellings are applicable.

DAERA Marine and Fisheries Division has advised that that there is a risk of the proposed development being impacted by climate change, sea level rise and coastal erosion in the future. The applicant is advised that any future requirement for coastal protection would be subject to the Planning and/or Marine Licencing regimes, including Habitats Regulations Assessment, and that there is no guarantee that future sea defences would be approved.

4.The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended), under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 to the Order. This includes the common seal (Phoca vitulina), grey seal (Halichoerus grypus), basking shark (Cetorhinus maximum), angel shark (Squatina squatina), common skate (Dipturus batis) short snouted seahorse (Hippocampus hippocampus), spiny seahorse (Hippocampus guttulatus), spiny lobster (Palinurus elaphus) and fan mussel (Atrina fragilis).

5.Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in Schedule 5 (as amended)) if the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to marine national protected species.

6.Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks. It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5[1]) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such animal while it is occupying a structure or place which it uses for shelter or protection. Under Article 13 it is an offence to sell or transport any Schedule 7 animal dead or alive at any time. Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence. It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast BT7 2JA.
Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European Protected Species

included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.
(1) It is also an offence to;
(a) deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
(b) deliberately disturb such an animal in such a way as to be likely to;
(i) affect the local distribution or abundance of the species to which it belongs;
(ii) impair its ability to survive, breed or reproduce, or rear or care for its young; or
(iii) impair its ability to hibernate or migrate;
(c) deliberately take or destroy the eggs of such an animal;
(d) deliberately obstruct access to a breeding site or resting place of such an animal; or
(e) damage or destroy a breeding site or resting place of such an animal.
(2) It is an offence for any person;
(a) to have in his possession or control,
(b) to transport,
(c) to sell or exchange, or(d) to offer for sale or exchange,
any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal. It is the applicant's responsibility to ensure that an offence is not committed. Further advice can be sought from DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Neighbour Notification Checked	Yes
Summary of Recommendation – Approval as above	
Case Officer Signature: C Moane	**Date:** 17 April 2026
Appointed Officer Signature: B.Ferguson	**Date: 20/04/2026**

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2025/0035/F	**Target Date:**
Proposal: Proposed Full Planning Application for the Erection of 1 No. Detached Dwelling House, 1 No. Detached Domestic Garage, Site Access, Associated Car Parking, Ancillary Site Works and Associated Landscaping	**Location:** 50 meters South-East of 24 Windsor Hill, Newry City, County Down, Northern Ireland, BT34 1ER
Applicant Name and Address: John Quinn 47a Keggall Road Camlough Newry BT35 7LD	**Agent Name and Address:** Barney McKevitt Mourne House 3 Downshire Close Newry BT34 1FD
Date of last Neighbour Notification:	30 June 2025
Date of Press Advertisement:	29 January 2025
EIA Determination:	
Consultations: • DFI Roads • Historic Environment Division (HED) • NI Water	
Representations: No representations have been received In respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: n/a	

Site Visit Report

Site Location Plan:

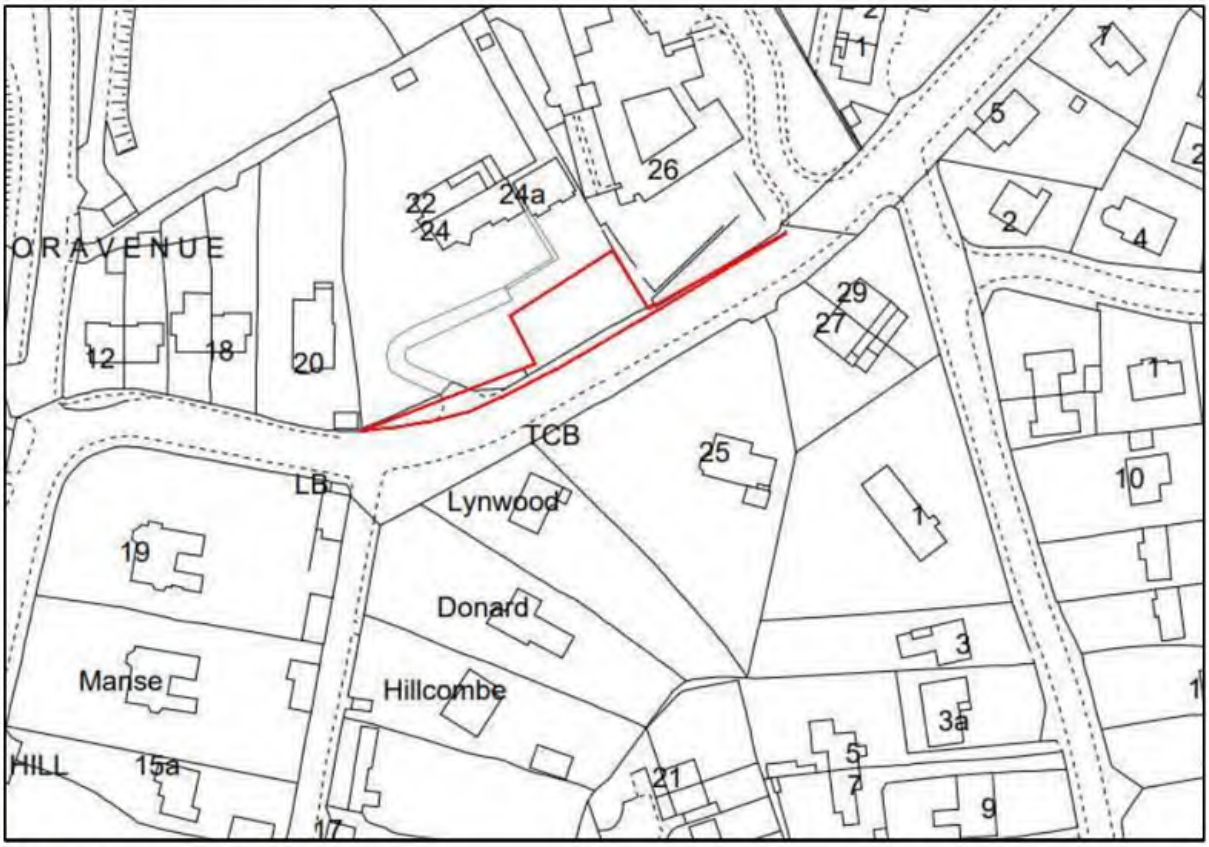


Figure 1- Site Location Map

Date of Site Visit: 25/07/2025

Characteristics of the Site and Area

The application site as outlined in red above is located on a vacant plot of land off Windsor Hill Newry. The application site is located within the Settlement Development Limit (SDL) of Newry (NY01) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The application site is also located within an area of Archaeological Potential and Area of Townscape Character (ATC) (NY104), there are no further designations on the application site.

As shown below the application site is flat in nature however is bounded to the north by a clay/rock bank and bounded to the east and west by smaller banks. The southern roadside boundary is currently defined by a temporary fence due to its open nature.



Figure 2- Application Site

The surrounding area is characterised by residential developments of varying types, scale and design as is typically found within urban areas of the Newry SDL.

Description of Proposal

The proposal is seeking full planning permission for the erection of a detached two storey dwelling and garage. The proposed dwelling is to have an overall ridge height of 8.3m from finished floor level. The proposed dwelling will be finished externally in red brick to the walls, with a grey slate roof. Rainwater goods will be black cast aluminium, with aluminium finish windows and solid doors throughout. The proposed detached has an overall ridge height of 7m with its finishes to match that of the dwelling. The submitted plans for consideration are shown below:



Figure 3- Proposed Site Layout



Figure 4- Proposed Side Elevations



Figure 5- Proposed Front & Rear Elevation

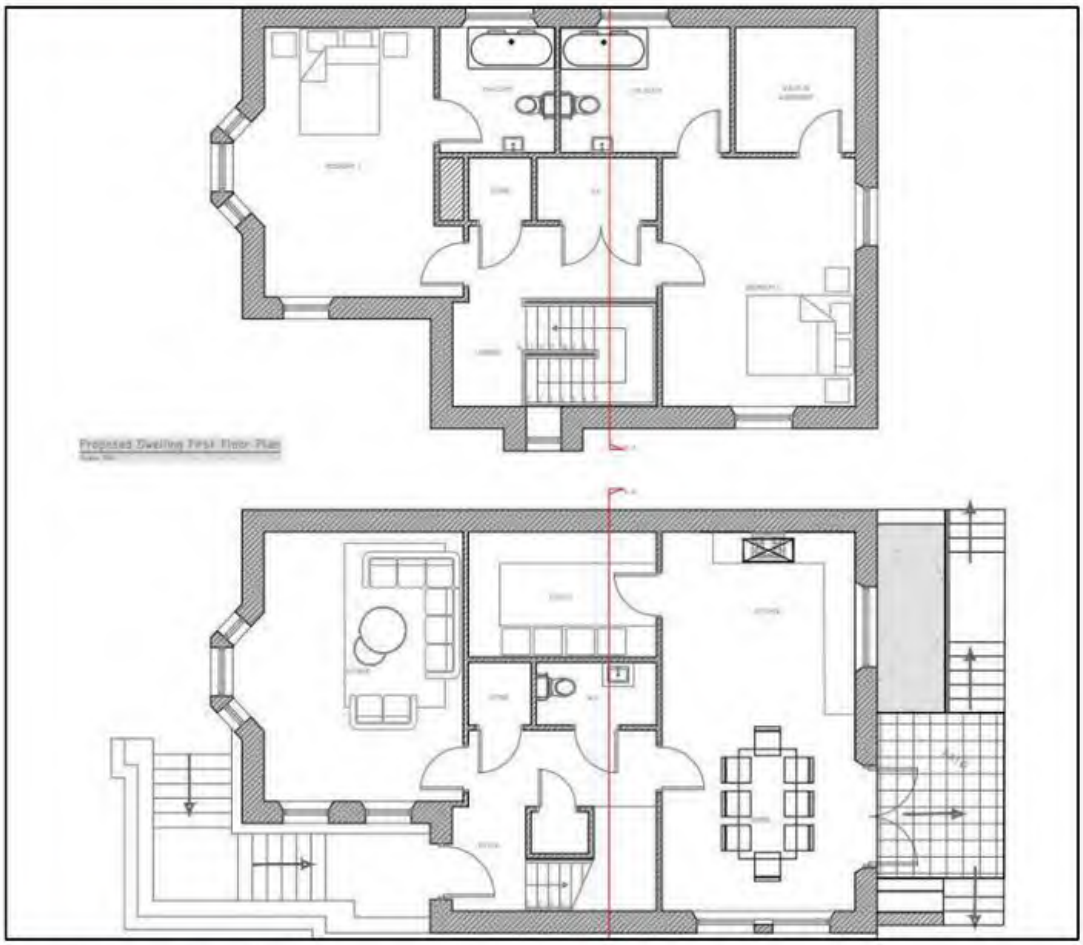


Figure 6- Proposed Floor Plans



Figure 7- Proposed Garage Plans

Planning Assessment of Policy and Other Material Considerations

The application will be assessed against the following guidance and policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2015
- PPS7- Quality Residential Environments
- PPS7 (Addendum)- Safeguarding the Character of Established Residential Areas
- PPS 2- Natural Heritage
- PPS 3- Access, Movement and Parking
- PPS 6- Planning, Archaeology and The Built Heritage

PLANNING HISTORY

The planning history for the application site is detailed out below. Full permission for a split level dwelling was granted under P/2009/1282/F however this permission has since expired as it was never implemented.

Application Number: P/2009/1282/F
Proposal: Erection of 1 No. split-level dwelling
Decision: Permission Granted

Decision Date: 23 April 2010

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Site Location Plan
- Site Layout Plan
- Proposed Floor Plans and Elevations
- Design and Access Statement

CONSULTATIONS

The following consultations were undertaken:

- NI Water- Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. Having informed the agent of NI Waters position regarding the proposed development they have confirmed that the applicant has engaged with NI Water to resolve the issue through the submission of a waste water impact assessment, the agent also supplied the reference number of this engagement DS114229. It is considered that this can be appropriately dealt with via a negative condition.
- DFI Roads- Content, subject to conditions.
- HED- Content, no objections.

REPRESENTATIONS

12 neighbouring properties were notified with regard to the proposed application. It was also advertised in the Newry Reporter and Democrat on 28th and 29th January 2025 respectfully. There have been no representations or third-party objections received to date in respect of this application.

EVALUATION

Banbridge / Newry & Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application to and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located within the SDL of Newry as shown and defined in Map 3/02a of the Banbridge, Newry and Mourne Area Plan 2015. As noted above the application is located within an ATC (NY104) and Pg31 notes the following:

'Windsor Hill, Windsor Avenue and Downshire Road contain many large houses, including those listed and designed by architect, Thomas duff for the Merchant Classes.
The generous mature landscaped plots, are important to the setting of the houses and the character of the area as a whole'.

There are no environmental designations or other associated with the application site. The erection of a dwelling on the application site is considered acceptable in principle in this location within the SDL of Newry. The land use is considered acceptable in principle and does not conflict with the provisions of this plan. However, the proposal will be assessed against the relevant prevailing planning policy. The site history is also noted with a previous permission under P/2009/1282/F which will be discussed below.

The Strategic Planning Policy Statement
The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged. A transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing polices then the SPPS should be afforded greater weight. However, were the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. The SPPS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

The application site has an established planning history relevant to the consideration of this proposal. Permission was previously granted under reference P/2009/1282/F for the erection of a dwelling on this site. The current application is similar in nature to that grant of permission, the principal distinction being the addition of a garage to the current scheme.
It is acknowledged that permission P/2009/1282/F was never implemented and has since lapsed. Notwithstanding this, a previously granted permission, even where expired, does not become entirely devoid of material weight in the assessment of a subsequent application. It remains a consideration that the principle of residential development on this site was previously found to be acceptable by the determining authority, and this can be afforded due weight in the present assessment accordingly.
However, given that the permission has lapsed and was not implemented, the Council is not bound by that earlier decision. The principle of development must therefore be assessed afresh against the prevailing planning policy framework. A full and thorough assessment of the relevant planning policies applicable to this proposal is set out below.

PPS 7 Quality Residential Environments
PPS 7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS 7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposal's layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of

the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents. Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

A) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*

Residential development is acceptable in principle on the site given its location within the Settlement Development Limit (SDL) of Newry in an ERA and having account the previous onsite planning history, as discussed above. The application site is located off Windsor Hill within an established residential area comprising various dwelling types, styles and finishes, with housing developments in close proximity, all of a similar character to that proposed.

The proposal is for a detached two storey dwelling with a ridge height of 8.3m from FFL, finished externally in red brick to the walls, with a grey slate roof, black cast aluminium rainwater goods, aluminium finish windows and solid doors throughout. The proposed dwelling is considered to be in keeping with the existing dwellings in the area, reflecting similar design features with respect to scale and appearance. The proposal respects the existing building line of the surrounding dwellings and steps in accordance with the natural gradient of the site, which is characteristic of the Windsor Hill area. The wider residential area comprises predominantly two storey and storey and a half dwelling, with a mixture of detached and semi-detached house types. The height, scale, form, massing and appearance of the proposed dwelling is considered to be consistent with and not out of keeping with this established character. It is acknowledged the plot size of the application site is restricted however alone is not considered fatal. The character of this residential area includes a varied mixed of plot sizes, with some sizeable mature plots and other much smaller plots. The roadside siting is also noted, however the topography and steep rock face and backdrop are such that it is considered the dwelling proposed can be absorbed into the site without unduly adversely affecting the character of the area and as such is considered appropriate. An appropriate level of hard and soft landscaping is also proposed. It is considered the proposal complies with criterion A.

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

As outlined above the application site lies within an Area of Archaeological Potential. HED were consulted in this regard and offered no objection to the proposal. This response has been reviewed and having account the location of the site and also extent of built development in the area, it is considered the proposals do not offend the provisions of PPS6. There are no landscape or natural heritage features of note contained within the application site. As stated previously the site is located within the boundary of the ATC which will be considered further below. It is considered the proposal complies with criterion B.

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

The proposal does not exceed the thresholds listed in Policy OS 2 of PPS 8 to be required to provide open space and as such the provision of public open space is not applicable to this application. The application site is large enough to accommodate a dwelling of this size as well as providing a sufficient area of private amenity space which exceeds the required standards within Creating Places and is in keeping with surrounding residential plots as shown on PL03B. Sufficient landscaping is also proposed as shown on PL03B which will allow for sympathetic integration into the existing area. It is considered the proposal complies with criterion C.

D) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*

Given the nature and scale of the proposal, the developer is not required to make provision for local neighbourhood facilities and as such this criterion does not apply here.

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

Given the nature and scale of the proposal this criterion does not apply here, however it is noted the site opens onto Windsor Hill with a vehicular entrance and will include a footpath along the site frontage thus supporting movement of pedestrians.

F) *adequate and appropriate provision is made for parking;*

The proposed site layout plan (PL03B) shows adequate space for at least 2 car parking spaces and manoeuvring which is deemed acceptable. DFI Roads have been consulted and have no objections subject to conditions. It is considered the proposal complies with criterion F.

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

As mentioned above, the area has a mix of detached dwellings. The height, scale, form, massing and materials of the proposal is similar and in keeping to that of existing dwellings in the area and the design takes account of the topography of the site. The proposed house type is comparable to that of the existing residential area and is therefore considered to respect the character of the surrounding area and the sensitive ATC setting. The Planning Department are content with the proposed design and consider this to be acceptable for a proposal of this nature. It is considered the proposal complies with criterion G.

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

The design and layout of the proposed development would not conflict with adjacent land uses and would not give rise to any unacceptable adverse impacts on neighbouring properties in terms of overlooking, loss of light, overshadowing, noise or other forms of disturbance. The site is bordered by existing development to the east and north. The properties to the north, Nos. 22, 24 and 24a, are situated within generous plots approximately 20 metres from the application site boundary, which lies at a lower level. Having regard to this separation distance and the difference in ground levels, it is not considered that the proposed dwelling would result in any unacceptable overlooking or loss of amenity to these properties. The Windsor Day Centre to the east is also noted; however, given the separation distance involved, the nature of its use and the presence of existing landscaping, it is not considered that the proposed development would result in any undue harm to its operation.

Retaining walls with boarded fencing are proposed to the rear of the site, which are characteristic of the area given the local topography and would serve to protect the amenity of adjoining properties. These boundary treatments are considered to integrate well with the established character of the surrounding area. While the site is somewhat constrained by its topography, this is characteristic of the Windsor Hill area. On balance, it is considered that the site can comfortably accommodate the proposed dwelling without resulting in any unacceptable visual or residential amenity impacts. It is considered the proposal complies with criterion H.

I) The development is designed to deter crime and promote personal safety.

The proposal has been designed to promote personal safety and deter crime whereby the rear of the dwelling is enclosed and overlooked. The Planning Department are content this criterion has been met.

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

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

The proposed development is for a single detached dwelling on a plot that is comparable in size to those within the surrounding residential area. The density of the proposed development is not considered to be significantly higher than that of the established residential area and is consistent with the prevailing pattern of development in the vicinity. This criterion is therefore satisfied.

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

As discussed above under criterion A, the proposed dwelling respects the existing building line, steps in accordance with the natural gradient of the site and is consistent with the scale, massing and design of the surrounding dwellings. The pattern of development proposed is therefore considered to be in keeping with the overall character and environmental quality of the established residential area. This criterion is therefore satisfied.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A. The proposed dwelling exceeds the minimum space standards set out within Annex A of PPS 7. This criterion is therefore satisfied.

Para 2.4 of Policy LC 1 states "When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

Having regard to all of the above, and taking account of the guidance set out at paragraph 2.4 of Policy LC1 regarding the protection of local character, environmental quality and amenity, it is considered that the proposed development would not harm the character or amenity of the established residential area. The proposal is therefore considered to be in accordance with Policy LC1 of the Addendum to PPS 7.

PPS 6 Planning, Archaeology and Built Heritage
As noted above the application site is located within an Area of Archaeological Potential (AAP). Upon consulting with HED they advised that they were content with the application as proposed and offered no objections. The Planning Department have no reason to disagree and the proposal does not conflict with the requirements of PPS6.

PPS 6 Addendum- Areas of Townscape Character
Policy ATC 2, as set out in the PPS6 Addendum, outlines the requirements for all new development within an Area of Townscape Character. It states that proposals will only be approved where they preserve and enhance the character of the building and respect the established built form of the area.

The proposed dwelling is two storey in height with a ridge height of 8.3m from FFL, finished externally in red brick to the walls, with a grey slate roof, black cast aluminium rainwater goods, aluminium finish windows and solid doors throughout. These materials and finishes are considered to be sympathetic to and in keeping with the established character of the ATC, reflecting the local traditions of form, materials and detailing found within the surrounding residential area.

The scale, massing, design and layout of the proposed dwelling is considered to respect the established built form and character of the ATC. The proposed dwelling respects the existing building line of the surrounding dwellings and steps in accordance with the natural gradient of the site, which is characteristic of the Windsor Hill area. The plot size is considered comparable to those within the surrounding residential area and the proposal would not appear unduly dominant or prominent within the streetscape. The Planning Department are content the proposal is in line with the requirements of PPS6 Addendum.

PPS3 Access, Movement and Parking
PPS 3, in particular Policy AMP2 sets out the policy requirements for access, movement and parking, while DCAN 15 provides guidance on vehicular access standards. The proposal includes the creation of a new vehicular access onto Windsor Hill. Following consultations with DFI Roads and the submission of amended plans as a result of this, there have been no objections offered in this regard subject to conditions. The Planning Department are content that the proposal does not conflict with the requirements of PPS3.

PPS 2 Natural Heritage
PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites.

It is considered that the development would not trigger any of the scenarios listed in the Checklist, given its urban location within the SDL. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2. The site is not located within a designated Area of Outstanding Natural Beauty so therefore NH6 does not apply to this proposal.

The following drawings were considered as part of assessing this application:
PL01B, PL03D, PL04, PL05A, PL06A, PL07A

Neighbour Notification Checked Yes

Summary of Recommendation

Having considered the above assessment, it is recommended to approve this application subject to conditions.

Conditions:

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Site layout plan PL03D, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses

footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No PL03D and the appropriate British Standard or other recognised Codes of Practise. All retaining walls and close boarded fencing associated with each unit shall be fully constructed/erected prior to the occupation of the unit it serves, which shall be permanently retained thereafter. All planting shall be completed during the first available planting season following the occupation of any part of the dwelling it serves hereby approved. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

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

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

6. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No. 5 has been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives:
1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. The development hereby permitted shall take place in strict accordance with the following approved plans PL01B, PL03D, PL04, PL05A, PL06A, PL07A

Case Officer Signature: Fergal Connolly

Date: 20th April 2026

Appointed Officer Signature: M Keane

Date: 20-04-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

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

1.0 Application Reference: **LA07/2023/2992/F & LA07/2023/2991/DCA**

2.0 Date Received: 19.01.23

2.1 Case Officer: Annamarie Loughan

3.0 Proposal: Proposed refurbishment, alterations and rear façade works to nos. 8-18 Sugar Island along with provision of a new lift and stair core to provide 1st and 2nd floor access to no. 16 & 18 Sugar Island.

Provision of new office space at 1st and 2nd floor within nos. 16-18 Sugar Island.

•Façade and alteration works to no. 8 Sugar Island to provide a carriage arch.

•Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island.

•The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Holywood Arts Centre as proposed by Newry, Mourne & Down District Council under application LA07/2023/2193/F).

• The provision of a drive-thru restaurant with associated site works to include for all hard and soft landscaping works. Provision of a bin storage area. (Amended scheme)

4.0 Location: Lands incorporating nos. 8- 18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City

5.0 Site Characteristics & Area Characteristics:

The site to be developed is at lands incorporating nos. 8- 18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry.

Views of the site are most prominent from the north at the junction of Merchants Quay / Sugarhouse Quay and on approach from Canal Street and when travelling up along the canal bank from the south and west at Merchants Quay. There are limited views into the site from Bank Parade. The western boundary adjacent to Newry Canal has

a neglected appearance defined by advertising hoardings, high brick walls, panel fencing and a partially demolished building. The deteriorated condition of existing structures is visually unattractive which detracts from the wider streetscape.

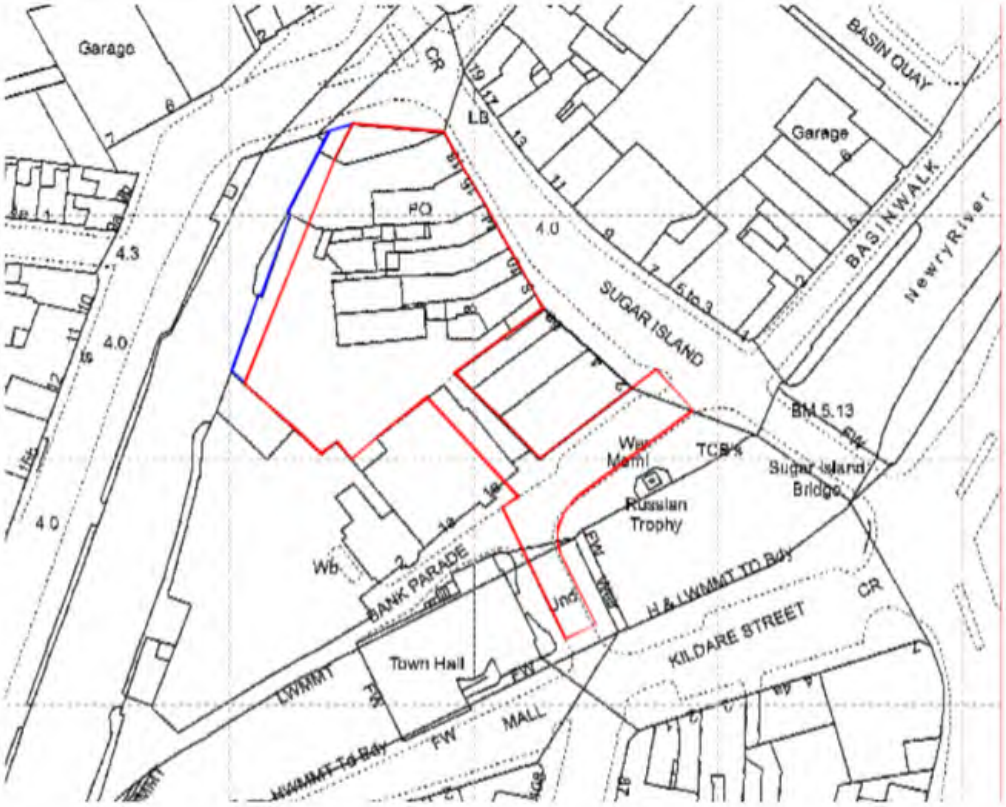
Nos.8-16 Sugar Island form the northeastern boundary of the site, a combination of retail and office spaces within 2-3 storey buildings with slate roofs and ridge line chimneys. At upper levels windows have a vertical emphasis with ground floor shop fronts traditional in appearance reflective of the wider conservation area designation. This aspect of the site is to be preserved with proposed works to the rear of these buildings.

Access is via a narrow laneway between the existing buildings at No. 1 Bank Parade and along the rear boundaries of Nos.2-6A Sugar Island. The southeastern boundary borders an existing carpark and derelict stone building.

Within the site are the existing rear returns for the buildings fronting onto 8-16 Sugar Island and partly redundant outbuildings which range in height from single to three/four storey. A large portion of the site is used for carparking associated with the adjoining businesses. Only the upper floors / roofs of these buildings are currently visible from any public viewpoints.

Development within the vicinity include a mix of commercial properties located within 2 -4 storey high terraced buildings that extend along Kildare Street, Sugar Island, Trevor Hill and Hill Street. The site is located within the settlement limits of Newry City, within the limits of Newry City Centre, Newry Conservation Area, Development Opportunity Site (NY84), Local Landscape Policy Area (LLPA - NY114), Disused Transport Route and is located within proximity to listed building structures including Newry Town Hall, Armagh Down Bridge, Russian Trophy and Mc Cartan's shop including a Scheduled Monument (Newry Canal)

5.1 Site Location Plan:



5.2 Site Photos



















6.0 Site History:

Application Number: P/1997/6015Decision: Decision Date:

Proposal: Cinema with ancillary commercial facilities Sugar Island Newry

Application Number: P/1976/0806Decision: Permission Granted Decision Date:

Proposal: PROPOSED ARTS/CULTURAL CENTRE

Application Number: P/1992/1362Decision: Permission Granted Decision Date: 06 February 1993

Proposal: Change of use from shop to ground floor hot food carry out and 1st floor restaurant

Application Number: P/2002/1345/F Decision: Permission Granted Decision Date: 10 October 2002

Proposal: Change of use from shop unit to amusement arcade

Application Number: P/2003/2138/F Decision: Permission Granted Decision Date: 09 November 2004

Proposal: Change of use from vacant shop to restaurant with new extension to the rear and new facade to Sugar Island.

Application Number: P/2006/0882/F Decision: Permission Granted Decision Date: 15 November 2006

Proposal: Environmental Improvements to the Canal boundary & footways. Undergrounding of all services. Improvements to lighting & street furniture.

Application Number: P/2006/1725/F Decision: Permission Granted Decision Date: 16 January 2007

Proposal: Environmental Improvements Scheme to include footways, undergrounding of all services, improvements to railings, lighting, street furniture and planting.

Application Number: P/2006/2322/F Decision: Permission Granted Decision Date: 22 July 2008

Proposal: Erection of Mixed Use development (including 49 residential units, cafe and offices and associated works.)

Application Number: P/2006/2334/CA Decision: Consent Granted Decision Date: 22 July 2008

Proposal: Partial demolition of No 2 Bank Parade and demolition of No 4 Bank Parade to facilitate mixed use scheme(49 residential units, cafe, offices and associated works).

Application Number: P/2008/0869/LDE Decision: Permission Granted Decision Date: 22 July 2008

Proposal: Retention of change of use from vacant shop to licensed restaurant including minor alterations to existing internal floor plan and provision of connecting internal door to kitchen area of No 10 Sugar Island.

Application Number: P/2009/0169/F Decision: Permission Granted Decision Date: 22 June 2009

Proposal: Retention of change of use from vacant offices to self contained flat

Application Number: P/2006/2201/F Decision: Permission Granted Decision Date: 19 July 2010

Proposal: Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre

Application Number: P/2006/2161/LB Decision: Consent Granted Decision Date: 19 July 2010

Proposal: Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure

Application Number: P/2010/0948/F Decision: Permission Granted Decision Date: 20 October 2010

Proposal: Erection of a life sized bronze statue and accompanying seated bench.

Application Number: LA07/2023/2225/DCA Decision: Consent Granted 13/5/2025

Proposal: Proposed new four-storey theatre & conference centre extension to the Town Hall.

Construction of atrium connecting theatre extension with town Hall.

Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade.

Alterations and refurbishment of Town Hall.

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

Application Number: LA07/2023/2193/F Decision: Permission Granted Decision Date: 20 August 2025

Proposal: Proposed new four-storey theatre & conference centre extension to the Town Hall.

Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall.Public Realm proposals to portion of Sugar island, portion of Needham

bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street (Amended drawings.)

Application Number: LA07/2023/2213/LBC Decision: Consent Granted
Decision Date: 20 August 2025

Proposal: Proposed new four-storey theatre & conference centre extension to the Town Hall.

Construction of atrium connecting theatre extension with town Hall.

Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade.

Alterations and refurbishment of Town Hall.

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

7.0 Consultations:

HED Monuments (25/01/2025) – Content subject to conditions (Engagement required directly with HED SMC team)

HED Buildings (12/5/26) – has considered the impacts of the proposal on the setting of listed buildings based on the revised information provided, and offers a range of advice we consider the proposal poses no greater demonstrable harm on the setting when reviewed under paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the

Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. Conditions are requested.

• The demolition required to facilitate access to the proposal is subject of applications LA07/2023/2193/F and LA07/2023/2225/DCA and has been granted 20 August 2025 and 13 May 2025 respectively

NIEA Natural Heritage (10/11/2023) - NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, based on the information provided, has no concerns subject to recommended conditions.

DFI Roads (05/01/2026) No objection subject to conditions

NIW (5/2/2024) – Approved with planning conditions

EH (05/03/2025) – No objection subject to conditions

SES (12/06/2024) - As the competent authority for this proposal, Newry, Mourne and Down District Council must itself undertake as much of the assessment process as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Dfl Rivers (**04/03/2026**) Rivers Directorate acknowledges confirmation from Newry, Mourne and Down District Council Planning Department via consultation dated, 15th November 2024, in which the application is deemed as 'Replacement of an existing buildings' under the FLD 1 Exceptions

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

It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15).

Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are "safe". The Planning Authority should make the final decision on whether the flood evacuation plan, the proposed development and the scale of intensification of use are acceptable.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. However, the site is in very close proximity to the designated 'Newry River Ext', located to the south of the site. There is also a flood defence structure (FD: 811) bounding the 'Newry River Ext' at this location. The site is also in close proximity west to an undesignated watercourse known as 'The Newry Canal'. The site may be affected by undesignated watercourses of which we have no record.

FLD3 – Development and Surface Water – Rivers Directorate have reviewed the Revised Drainage Assessment by AECOM, and our comments are as follows:

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15).The Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes a condition as part of its planning permission if granted

FLD4 - Not applicable to this site

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

Flood Risk in the Climate Change Scenario

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

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that the vast majority of the site lies within both the 1 in 100 year fluvial climate change flood plain (Q100CC) and the 1 in 200 year coastal climate change flood plain (T200CC). The predicted Q100CC fluvial flood level at this location is within the range 5.57mOD to 4.89mOD and the predicted T200CC (50pc) coastal flood level at this location is 3.96mOD. Rivers Directorate considers that in accordance with the precautionary approach, that the vast majority the development proposal, is at risk of potential flooding in the climate change scenario and, unless the Planning Authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

Water Management (17/04/2024) – Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions, any required statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice..

Regulation Unit (17/12/2025): Potential risks are identified from contamination which may be present on site therefore additional investigations and risk assessment(s) are necessary. RU Land and Groundwater Team have not been provided with sufficient information to advise the Planning Authority as to the environmental risks from this development. Should approval be granted, conditions will be added to any decision to ensure compliance with NIEA requirements.

8.0 Objections and Representations:

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

Application advertised July 2023 and re-advertised following amended plans on November 2024 and 5 May 2026

Neighbour notifications issued September 2023 and re-neighbour notified following amendments in November 2024 and May 2026.
1 letter or representation has been received from David Marrs, 1 CARQUILLAN MEADOWS,

Comment: I honestly don't understand how the Council & Environmental Health can think that the adjacent land to this is not possibly contaminated. There is an historic canal! In addition, the old ordinance survey maps show a salt works nearby. DOE Industry profiles show these are of significant concern and warrant at the very least a PRA and a GQRA as part of this application.

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

9.0 Planning Policies & Material Considerations:

- The Planning Act (NI) 2011 (Section 91, 104 and 105)
- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge/ Newry and Mourne Area Plan 2015
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement & Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 15 (Revised) - Planning and Flood Risk
- DCAN 4: Restaurants, Cafes and Fast Food Outlets
- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 - Vehicular Access Standards
- DOE Parking Standards
- Newry Conservation Area Guide (1983 and 1992) and Newry Conservation Area Extension (2001)
- Newry Conservation Area Map
- Third party representations / objections/ petition/ support

10.0 Development Management Regulations (NI) 2015:

As the site is located within the city centre comprising an area of 0.27 ha it does not breach the thresholds of the regulations in which to be considered as a major application. On this basis the application has been assigned as a 'local' development

11.0 Environmental Impact Screening

The proposals falls below the threshold of 0.5ha Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

12.0 Habitats Regulation Assessment and Impact to European Sites

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). NIEA in their consultation response dated 6th September 2024 have advised that they have considered the impacts upon designated sites and have no concerns subject to conditions.

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

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval.

13.0 Proposal

Proposed refurbishment, alterations and rear façade works to nos. 8-18 Sugar Island along with provision of a new lift and stair core to provide 1st and 2nd floor access to no. 16 & 18 Sugar Island.

Provision of new office space at 1st and 2nd floor within nos. 16-18 Sugar Island.

•Façade and alteration works to no. 8 Sugar Island to provide a carriage arch.

•Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island.

•The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Holywood Arts Centre as proposed by Newry, Mourne & Down District Council under application LA07/2023/2193/F).

• The provision of a drive-thru restaurant with associated site works to include for all hard and soft landscaping works. Provision of a bin storage area. (Amended scheme)

There have been several amendments to the original design submitted with final drawings forwarded for consideration on 05 May 2026.

Access and exit to/from the site is via the existing access point at Bank Parade which is to be widened through the demolition of the Arts Centre approved under Planning Application LA07/2023/2193/F.

Existing structures within the site are to be demolished (1050m2 of floorspace) including the rear returns / outbuildings associated with Nos8-18 Sugar Island. They are to be replaced with new rear façade works to provide stair cores, lift access and internal amenity areas. New structures will have a flat roof ranging in height from 7m to 8.25m but remining below the existing ridge line of 11.2m. This rear façade incorporates vertically proportioned window openings subdivided into multiple sections almost grid like, breaking larger glazed areas into smaller framed panels. Finishes are red brick with grey coloured aluminium window and doors. It is proposed to reopen the original 'Carriage Arch' from Sugar Island into the Site.

A drive thru restaurant is proposed within the southwestern portion of the site. 860square meters of floor space is to be provided over two floors. The southern portion of the building will provide an external yard area, storage area and staff facilities. Vehicles will access the drive-thru windows from the south with access continuing along the northwestern canal side of the building to a pay counter and food collection point. Kitchen facilities, public restrooms and cold storage are to be provided at ground floor level with a section of public seating proposed to the northern corner. Large windows will provide public views across the canal onto Merchants Quay. The main pedestrian entrance is sited along the northeastern portion close to an external public plaza area with access from the junction of Sugar Island and Merchants Quay. Additional restaurant seating, storage and office space is proposed at first floor level.

This is a two storey building gable ended along the promenade with mock doors to the ground floor fixed with timber panels to replicate old warehouse doors. A single opening at first floor will form a window to the restaurant replicating an opening that would have been required for transferring goods from barges to indoors via a lifting beam. This double gabled feature breaks the height of the wall along the Promenade. To the rear traffic approaching the drive thru will be partially hidden by a boundary wall

2.1m in height. This wall extends along the promenade boundary at a height of 0.9m creating permeability to the front of the Restaurant. The wall in this section is to be capped with a Corten Steel Planter. A double height window is proposed along the restaurant elevation similar to that found on the adjacent rear façade. The overall height of the building is 9.45m which remains below other buildings within the wider conservation area.

A staggered gabled ended feature is replicated along the plaza to the north of the site. Finishes include natural stone, red brick and smooth plaster with slate roof and aluminium windows and doors. This represents the main public views into the site.

When viewed from the vehicular access point (internal courtyard) the buildings are more contemporary finished in smooth render with high level window openings at public restrooms and long narrow light panels.

The design presents a contemporary interpretation of traditional industrial and waterside architecture, designed to respond sensitively to the canal-side setting and surrounding urban grain. The scheme appears to draw heavily on the historic warehouse and mill buildings traditionally associated with canal infrastructure, while introducing modern detailing and materials to create a mixed-use environment. The varied building forms with segmented rooflines, including pitched and gabled elements, help break down the overall massing into smaller visually distinct components.

The use of red brick, natural stone and lighter rendered finishes reflects traditional materials commonly associated with historic industrial buildings and canal-side warehouses and seen elsewhere within Newry Conservation Area. The contrasting textures provide visual depth.

Large vertical window openings and glazed sections introduce a contemporary aesthetic while maintaining proportions reminiscent of former mill or warehouse buildings. The glazing also helps maximise views across the canal and increases natural surveillance of surrounding public spaces.

Strong emphasis has been placed on the waterfront elevation. The buildings actively address the canal helping create interaction along the water's edge rather than turning away from it.

Public realm features are carefully integrated into the scheme, with pedestrian-focused spaces, cycle parking, soft landscaping and tree planting helping soften the urban form and improve overall permeability throughout the site.

The arrangement of the buildings encourages movement through the site.

The design avoids excessive height or overpowering massing, instead using variation in ridge heights, setbacks and materials to reduce visual dominance and better integrate with the surrounding conservation area context.

The canal-side development has been designed to enhance views from across the water and create an attractive frontage that contributes positively to the wider townscape.

Overall, the proposal appears to combine contemporary architectural design with references to the industrial and maritime heritage of the area. The scheme seeks to create a visually distinctive waterfront development that respects the character of the canal corridor while introducing modern commercial and public spaces.

Visual Representation of Proposal (information only)



14.0 Assessment and Consideration

14.1 The Regional Development Strategy 2035 (RDS)

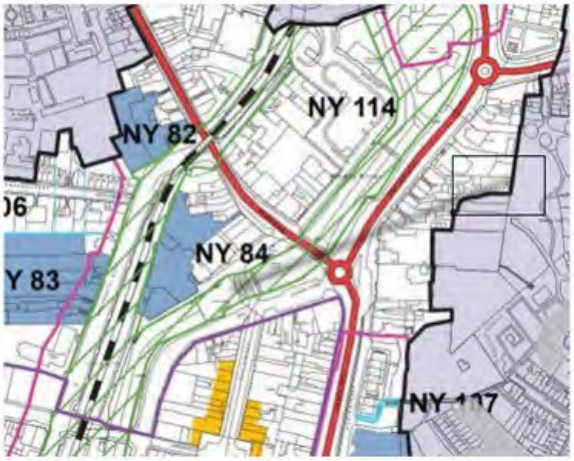
An overarching strategic planning framework to facilitate and guide the public and private sectors

With emphasis on regeneration creating more accessible and vibrant city centre to offer local choice in relation to social activity and recreation. With the aim to encourage urban renaissance through the process of development and redevelopment within urban areas with the focus on integrating new schemes within the existing townscape without causing unacceptable damage to the local character and environmental.

14.2 Strategic Planning Policy Statement (NI) – Planning for Sustainable Development

The guiding principle in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment. Further consideration of these issues will be set out below.

14.3 Banbridge Newry & Mourne Area Plan 2015





● NY84 – Development Opportunity Site

- NY114 – LLPA
- Disused Transport Corridor
- Within Newry City Centre limits
- Within the Development limits of Newry City

● Newry Conservation Area

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

14.5 NY 01 and NY 75 The BNMAP 2015 operates as the current plan for this site and identified the site as being within the settlement limit of Newry (NY01) and within the City Centre boundary (NY75). The city centre boundary has been drawn to encompass the usual concentration of existing and planned uses expected within a city centre function, which include retail, entertainment, cultural, social, community and leisure.

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

14.6 Conservation Area

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

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

14.7 NY84 – Development Opportunity Site

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

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

In assessing proposals against NY84 a proposed drive-thru restaurant is considered capable of coexisting positively with the surrounding mix of community and civic uses, including the adjacent town hall and arts centre. The proposal would introduce an active commercial frontage which would contribute to increased footfall, and continued activity throughout the day and evening, thereby supporting the vitality and vibrancy of the wider town centre environment.

Given the established mixed-use character of the area, it is not considered that the use would undermine the function or amenity of neighbouring community facilities. Environmental Health officers have raised no objection in respect of noise, odour, or general disturbance, indicating that the proposal would not result in an unacceptable impact on the operation or enjoyment of adjacent community uses. The development therefore represents a complementary addition to the existing civic and cultural environment.

In design terms, while policy identifies an aspiration for a three-storey form on the site, the proposed two-storey building has been deliberately conceived as a heritage-led response to its sensitive conservation area context. The reduced height and massing

assist in preserving important views, respecting the established streetscape, and avoiding visual dominance over nearby historic and civic buildings.

The proposal has sought to achieve a balanced approach between redevelopment and conservation principles, with the scale, proportions, materials, and architectural detailing drawing reference from the historic character of the area. The two-storey form is therefore considered appropriate in this instance as it allows the development to integrate more sympathetically into the conservation area whilst still delivering an active and visually engaging frontage. This design approach balances height requirement against the statutory duty to preserve or enhance the character and appearance of the conservation area. In this regard, the proposed scale is considered to represent a more sensitive and site-responsive solution.

The placemaking and design objectives of the SPPS and the principles contained within Department for Communities "Living Places", promote active and overlooked environments that enhance vitality, safety, and the overall quality of urban spaces. In this regard, the proposal is considered capable of complementing the neighbouring civic and community uses, including the town hall and arts centre, by reinforcing activity and vitality within the area throughout the day and evening

The scheme includes pedestrian and cycle access throughout the site. On balance it is considered that the proposals meet the requirements of NY84 of BMAP 2015.

***14.8 NY114,* Local Landscape Policy Area (LLPA)/ SSPS and PPS6 (para 2.23 and 2.24)**

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

Area of nature conservation interest including the Newry River and canal corridors and associated vegetation / trees;

Archaeological sites and monuments, their views and settings including the scheduled Damolly Fort, Mount Mill and Bridge;

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

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

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

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

Development proposals will bring much needed regeneration to this important setting and designation.

Overall proposed development within this area has taken account the natural setting with design and layout proposals being able to integrate within its surroundings benefitting the LLPA with enhancement of views, ensuring protecting of listed buildings/ structure and protection of natural heritage interests (further consideration of this has been advanced below)

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

14.8 Disused Transport Route.

There is a disused transport route along the NW portion of the site. This proposal links to the approved LA07/2023/2193/F (Arts Centre) which includes reinstatement of the existing path with linkages through at Needham Bridge and Sugar Island which will further link to the existing path network at Merchants Quay and the Greenway beyond as well as Newry Canal tow path to the NE. Newry Canal waterway will also remain untouched through proposals.

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

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

NED comments dated 10 November 2023 having considered the impacts of the proposal on designated sites and other natural heritage interests have no issues of concern. Further consideration given below:

Designated Sites – The applicant proposes to use mains for water supply and sewerage. Whilst surface water discharge will be to the watercourse under Schedule

6 consent from Rivers Agency. Although there is a direct hydrological link to Carlingford Lough the site is some 8.5 miles from the European site given the distance and on the balance of probabilities that the development would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. SES have offered no objection.

The submitted ecology report identified a total of 56 records representing 38 species of known conservation status within 1km of the site. However, as the site is primarily made up of vacated buildings and hardstanding it was concluded that the site would offer limited opportunity for breeding birds. Overall proposals will have no direct impact upon bird habitat. The onus is on the developer to ensure that any works are undertaken outside of bird breeding season (responsibilities pertaining to this this will be highlighted by way of a planning informative).

Bats – An updated Bat Roost Emergence Survey noted that a bat roost has been identified in within the site. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of protection.
NED is content that the destruction of this roost is unlikely to have a significant impact on the local bat population, provided the recommended mitigation and compensation measures detailed in the Bat Roost Emergence Survey are implemented. NED would highlight that a wildlife licence must be obtained from NIEA prior to any works on this building to allow for the lawful destruction of the bat roost. A detailed bat mitigation plan will be required to be submitted with the licence application, to include at least three woodcrete bat boxes. NED recommends that the planning authority is notified when a NIEA wildlife licence has been obtained and before works commence.

The Planning Department will add conditions/ informatives reflecting those recommendations set out by Natural Heritage.

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

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

16.0 SPPS, PPS3 Access, Movement and Parking, DCAN 15 Vehicular Access Standards, Planning Policy Statement 13: Transportation and Land Use & DOE Parking Standards:

The proposal has been assessed having regard to the provisions of Planning Policy Statement 3: Access, Movement and Parking and the wider objectives of promoting sustainable travel patterns within established urban areas.

DFI Roads in their initial consultation responses considered the application unacceptable as submitted. Insufficient detail was available on transportation issues and proposals were unacceptable as submitted. DFI Roads requested a parking schedule for the entire proposal and asked planning to confirm the parking requirement for this proposal. Planning confirmed the parking requirement for this proposal is 61 spaces, DFI Roads required the applicant to demonstrate this parking requirement so it can be assessed in the interest of road safety.

Dfl roads consultation response of 23/02/2026 accepted the proposed access layout (PSD). Parking requirement to be considered by the Planning Authority.

No parking provision has been provided on site.

The Transport Assessment Form (TAF) states this is to encourage use of sustainable travel modes and any vehicle trips generated will be accommodated within publicly available car parks within Newry City Centre. The TAF includes the following considerations:

The only traffic to enter the development site will be associated with the Drive Thru lane and service/delivery vehicles associated with the entire development (considered separately in separate Service Management Plan).

It is expected that the Drive Thru lane would generate peak trips during the lunch time and PM period. TRICS surveys showed peak trip rates of 13:00-14:00 and 18:00-19:00.

Due to the site location, it is expected that a high proportion of the trips during the peak hour will be pedestrian trips made from the city centre.

The vehicular access will be via an upgraded (widened) existing access to the development site off Bank Parade. This access has been designed to conform with guidance in DCAN15 with sightlines of 2.4m x 33m.

A separate Service Management Plan has been submitted in support of the proposed development which provides detail on the proposed servicing of the site. All servicing of the proposed development will be carried out outside of opening hours.

Pedestrian Accessibility

Pedestrian footways are provided along Sugar Island and Bank Parade, connecting into the Newry City Centre footpath network, allowing for connection on foot to the central core and key public transport links. Signal controlled pedestrian crossings, a zebra crossing and dropped kerbs with tactile paving are also provided in the immediate vicinity of the site to aid safe pedestrian movement within the local area.

The proposed site access also provides a 2m wide pedestrian footpath and an internal pedestrian crossing point, allowing for safe connectivity between the site and Bank Parade.

The adjacent theatre application (LA07/2023/2193/F) also proposes to provide public realm works along Sugar Island and Bank Parade allowing for improved pedestrian facilities within the vicinity of the site.

Cyclist Accessibility

The site is easily accessible to the National Cycle Network Route 9 (Newry to Belfast), which is accessed via Canal Quay, as identified in Figure 2 below. Canal Quay operates as a low speed, one way road with double yellow lines to prevent parking along its length.

NCN Route 9 offers further cycle links between Newry, Poyntzpass, Scarva and other towns north of Newry.

Within Newry City Centre, cyclists using this route have to share the road with vehicular traffic. However, the route then joins the Newry Canal Towpath where the route becomes traffic free.

As there are 32 different bus services stopping within 400m walking distance of the proposed development, the proposed development is considered to have excellent accessibility to bus services.

Newry Train Station is located 2.5km walking distance from the site. This is not within typical practicable walking distance for a rail halt; however bus services are available to provide connection to the rail station.

Parking surveys showed that there was an average of 74 spaces available throughout the day within the surveyed car parks. In the AM peak, when office traffic would be expected to arrive and park within the City Centre, there was an average of 156 car parking spaces available. After 7pm, close to the expected peak period for the Drive Thru, there were an average of 260 car parking spaces available.

Additionally, there are two Newry, Mourne and Down District Council operated car parks within 250m walking distance of the proposed development site, at Basin Walk and Downshire Road, which also offer a total of 67 charged car parking spaces and 129 free car parking spaces. These car parks were not assessed under the previous car park occupancy surveys and therefore their daily available spaces are not known.

Based on these results it is understood that there is adequate parking availability within the local area to accommodate the parking associated with the proposed development. However, it should be noted a separate ravel Plan Framework has been submitted in support of the planning application, to encourage sustainable modes of travel to the development, rather than the private car.

Further Consideration

The application site occupies a highly accessible city centre location which benefits from strong connectivity to existing public transport infrastructure, pedestrian routes and cycle networks. The site is located within convenient walking distance of

established public car parks, public transport facilities and the wider range of services and amenities associated with the city centre. In this context, the reliance on existing shared parking infrastructure is considered appropriate and consistent with the sustainable transport objectives of regional planning policy.

The applicant has advised that customers and staff would utilise existing city centre parking provision rather than relying upon dedicated on-site parking spaces. Given the nature of the surrounding area, where parking is typically managed on a wider town or city centre basis rather than on an individual site-by-site basis, it is considered reasonable that the development would operate using existing available infrastructure. The proposal therefore reflects the established pattern of development commonly found within central urban environments where land availability and site constraints often limit opportunities for on-site parking provision.

The absence of surface level parking enables a more efficient and appropriate use of the site, avoiding the visual and environmental impacts associated with extensive parking areas within a sensitive urban and Conservation Area context. This approach allows for improved site layout, enhanced landscaping opportunities and a more active built form which contributes positively to the streetscape and canal-side setting.

It is also recognised that excessive parking provision within city centres can encourage unnecessary private car use and undermine wider sustainable transport objectives. In this regard, the proposal aligns with the aims of Planning Policy Statement 13, Transportation and Land Use, which seeks to reduce reliance on the private car and promote development in accessible locations capable of supporting alternative modes of travel.

Having regard to the city centre location, the availability of existing public parking infrastructure, the accessibility of the site by sustainable transport modes, and the constraints and character of the surrounding Conservation Area, the absence of on-site parking provision is considered acceptable in this instance. Notwithstanding the acceptability of the current proposal, it is recognised that consideration must also be given to the cumulative impact of development relying upon existing public parking provision within the city centre.

In this instance, the scale, location and characteristics of the proposal, together with the availability of established public parking facilities within convenient walking distance of the site, are such that the absence of dedicated on-site parking is not considered to give rise to unacceptable impacts on the surrounding road network or parking infrastructure. The proposal is also located within a highly sustainable and accessible city centre environment where opportunities exist to encourage travel by walking, cycling and public transport. However, it is acknowledged that the continued reliance of multiple existing and future developments upon the same finite pool of public parking provision could, cumulatively, place increasing pressure upon city

centre parking availability and traffic circulation. As such, while the current proposal is considered acceptable on its own merits, this should not be interpreted as establishing an automatic precedent for future development proposals seeking to omit parking provision in similar circumstances.

Future applications would require assessment on a case-by-case basis having regard to the prevailing parking capacity within the city centre at that time, the scale and nature of the proposed development, accessibility by sustainable modes of transport, and the potential cumulative impact arising from existing and approved developments. There may therefore be circumstances where additional proposals relying solely on existing public parking infrastructure could give rise to unacceptable cumulative effects and would not satisfy the requirements of Planning Policy Statement 3: Access, Movement and Parking and Planning Policy Statement 13: Transportation and Land Use.

Accordingly, the acceptability of the current proposal does not remove the need for robust parking and transportation assessments in relation to future development proposals within the city centre.

Overall proposals are acceptable under the SPPS and PPS3

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

Policy operates a presumption in favour of the physical preservation in-situ of archaeological remains of regional/ local importance and their settings, this also includes Schedule Monument. Proposals do not include works to the schedule monument known as Newry Canal. Proposals as presented will improve the visual aspect of the scheduled monument without adverse impact.

HED Monuments in comments dated 12/05/2025 have advised that they are content with proposals subject to planning conditions. They further add that an application for Scheduled Monument Consent (SMC) for works that fall within the scheduled area is required.

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

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

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

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

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

(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise. This will be further considered below.

Historic Buildings HED in comments dated 12/05/2026 as considered the impacts of the proposal on the setting of listed buildings based on the revised information provided, considers the proposal poses no greater demonstrable harm on the setting when reviewed under paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. Conditions are requested.

The demolition required to facilitate access to the proposal is subject of applications LA07/2023/2193/F and LA07/2023/2225/DCA and has been granted 20 August 2025 and 13 May 2025 respectively

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

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

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

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

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

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

18.2 BH12 (a) - The development preserves or enhances the character and appearance of the area.
The application site comprises an existing area of back land development which makes no positive contribution to the character, appearance or vitality of the Conservation Area. The site is visually contained, underutilised and lacks any meaningful integration with the surrounding urban fabric. In its current form, the land does not provide an attractive, active or accessible use and contributes little towards the overall environmental quality of the area.

18.3 BH12 (b) enhancing the character or appearance of that area where an opportunity to do so arise.

The proposal has been carefully designed having regard to the objectives of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and seeks not only to preserve but positively enhance the character and appearance of the Conservation Area.

Particular consideration has been given to views of the site from the opposite side of the canal bank and wider public vantage points within the Conservation Area. The existing site presently presents as an unattractive and fragmented area of backland development with limited visual cohesion or contribution to the setting of the canal corridor. The proposed redevelopment would significantly improve these views through the introduction of a coherent and well-considered built form, enhanced landscaping, improved boundary treatments and the removal of visually poor or underutilised elements currently evident on the site.

The design approach draws upon the historic and architectural character of the surrounding area. The layout and orientation of the building have been arranged to open up the site and create a more attractive frontage and visual presence when viewed from Merchants Quay. The proposal would therefore transform an underperforming backland site into an active, accessible and visually improved component of the Conservation Area.

18.4 BH12 (c) – the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area.
BH12 (e) – Important views within, into and out of the area are protected.

Materials, proportions and detailing have been selected to reflect features evident elsewhere within the Conservation Area, ensuring the development integrates appropriately within its context rather than appearing as an isolated or standardised form of commercial development. The proposal incorporates design cues and architectural references reflective of the area's industrial and canal-side heritage, helping to reinforce local distinctiveness and strengthen the visual relationship between the development and its historic surroundings. The development is therefore considered to preserve, and in certain respects enhance, the character and appearance of the Conservation Area through the regeneration and active reuse of a currently underperforming site.
On balance, it is considered that the proposal would deliver environmental and visual enhancements, respect the established character of the Conservation Area, and successfully integrate contemporary development within a historically sensitive context in accordance with the aims and objectives of criteria BH12(b), (c) & (e).

Conditions in relation to finishes shall be incorporated into any approval recommendation.

18.5 BH12 (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. Development Control Advice Note 4: Restaurants, Cafés and Fast Food Outlets

Drive-thru restaurants are not traditionally associated with conservation areas, PPS 6 does not impose an outright prohibition on such development within designated heritage locations. Rather, the policy approach requires careful consideration of whether the proposal preserves or enhances the character and appearance of the conservation area, having regard to design quality, siting, scale, materials, activity levels and wider townscape impacts.

In this regard, the principle of a drive-thru restaurant can be considered acceptable where the proposal has been sensitively designed to respond positively to its historic context and where it contributes to the vitality and viability of the city centre environment.
The proposal has sought to incorporate high quality design measures and contextual architectural detailing reflective of the surrounding built environment and historic character of the area. In addition, the development would bring active use to the site, increase footfall and contribute to economic regeneration within the locality. Such benefits are material considerations in assessing the overall acceptability of the scheme.

In respect of amenity considerations, concerns commonly associated with drive-thru developments, including noise, disturbance, vehicle movements and general nuisance, would be a concern. Importantly, Environmental Health Officers have reviewed the proposal and have raised no objections in respect of noise or residential amenity impacts.

The site's city centre context is characterised by an existing level of commercial activity, vehicular movement and ambient noise. As such, the nature and intensity of the proposed use would not appear incongruous or incompatible within the wider urban environment. It is considered that the proposal can operate without resulting in unacceptable nuisance or detriment to the character of the conservation area in accordance with the requirements of PPS 6 & DCAN 4

18.6 BH12 (f) – Trees and other landscape features contributing to the character or appearance of the area are protected. All trees within a conservation area are automatically afforded protection by virtue of a TPO. There are no trees within this site.

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

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

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

Accordingly, it is considered that the proposal accords with the overarching aims of PPS 6 BH12, insofar as it preserves the character and appearance of the conservation area whilst facilitating sensitive regeneration.

19.0 SPPS and PPS6 (BH14 - Demolition in a Conservation Area), Planning Act 2011, (Section 104 &105)

Development proposals are located within the designated Newry Conservation Area and adjacent to listed buildings. Proposals include demolition of unlisted buildings within the Conservation Area which requires separate consent for Demolition within a Conservation Area (DCA). This has been sought under planning reference LA07/2023/2991/DCA.

The matter of demolition of unlisted buildings within the Conservation Area is considered against Sections 104 and 105 of the Planning Act (NI) 2011, SPPS, PPS6, Policy BH14 requirements as well as the criteria within BH10.

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

Demolition refers to existing partially derelict and vacated buildings, rear outbuildings and partially demolished walls surrounding the site. This area currently makes a no positive contribution to the character, appearance or vitality of the Conservation Area. The site is visually contained, underutilised and lacks any meaningful integration with the surrounding urban fabric. In its current form, the land and buildings do not provide an attractive, active or accessible use and contributes little towards the overall environmental quality of the area.

Whilst recognising policy and legislative requirements for the retention of buildings within Conservation Areas, it is considered that the redevelopment proposals put forward are acceptable and will both enhance and preserve the character of the Conservation Area.

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

20.0 SPPS (3.6) - Land Contamination

The PRA includes an Initial Conceptual Site Model (CSM) and risk assessment which is used to inform the conclusions of the PRA. The CSM identifies potential sources of contamination arising from the historical Salt Works/Mineral Works which previously operated onsite. There are also buildings still located onsite which have been present pre the year 2000 that therefore pose the risk of containing asbestos within their building materials. The fuel storage tank observed during the walkover also poses a risk of leaks or spills which may have contaminated the land onsite. In terms of potential offsite sources, the historical land uses identified above are noted by Avada to be within a sufficient distance to the site to pose a potential risk given their nature. The water bodies within the vicinity of the site (Newry Canal & Newry River) are also noted as potential sources due to pollutants which may have migrated to the application site. Avada conclude that there is a likelihood that land contamination has occurred here and therefore have recommended further site investigations or a subsequent GQRA be completed. A separate asbestos survey is also recommended for the application site prior to demolition works.

Regulation Unit also believe the potential risks identified require further site investigations to be undertaken. Regulation Unit Land and Groundwater Team have not been provided with sufficient information to advise the Planning Authority as to the environmental risks from this development.

Planning Agents Response: In summary given the existing buildings in-situ and use of the overall site a GQRA cannot be carried out as it involves boreholes, excavating floors and intensive site investigation works. Accordingly we request this be either omitted as a planning item or dealt with via a Planning Condition going forward.

In terms of precedent we also refer to the planning approval for the adjacent Arts Centre (LA07/2023/2193/F) and highlight this planning permission was approved without a Stage 2 GQRA. This is noteworthy as the same environs relate and it was correctly recognized by the Council that given the site context of buildings in-situ then a Stage 2 GQRA is simply not feasible given the intrusive ground works required for a GGRA which involves bore holes, deep excavations and which cannot be carried out given the existing built environs.

Should approval be granted a condition shall be added to any decision restricting development until such times as NIEA are satisfied.

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

The site is surrounded by a mix of commercial properties. The proposed redevelopment will continue with a similar land use to previous that there are no significant changes above and beyond what exists at present in terms of noise etc. Environmental Health have no objections.

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

22.0 Water/ Sewerage

Water Management Unit (17/04/24) has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions.

NIW (6/2/24) have recommended approval subject to condition.

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

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. However, the site is in very close proximity to the designated 'Newry River Ext', located to the south of the site. There is also a flood defence structure (FD: 811) bounding the 'Newry River Ext' at this location. The site is also in close proximity west to an undesignated watercourse known as 'The Newry Canal'.

Proposals will increase capacity of users at the site thus involving an intensification of the use of the site. Notwithstanding this in line with 6.15 of PPS15 (revised) justification and amplification text. Whilst such development is not desirable in the context of flood risk, this factor must be balanced against other material considerations, including the provisions of other Planning Policy Statements that may tend to favour higher density development in urban areas.
Accordingly, the Planning Department will determine each application on its individual merits taking account of the scope for mitigation of the residual flood risk. In weighing

all of these matters, the proposal is considered to meet the exceptions test to FLD1 for reasons of overriding planning significance, given the nature of the proposal and the unique site circumstances. This was set out within correspondence to Rivers Agency dated 15/11/2024.

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

FLD1 – Development in Fluvial and Coastal Flood Plains

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

It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15).

Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are "safe". The Planning Authority should make the final decision on whether the flood evacuation plan, the proposed development and the scale of intensification of use are acceptable.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. However, the site is in very close proximity to the designated 'Newry River Ext', located to the south of the site. There is also a flood defence structure (FD: 811) bounding the 'Newry River Ext' at this location. The site is also in close proximity west to an undesignated watercourse known as 'The Newry Canal'. The site may be affected by undesignated watercourses of which we have no record.

FLD3 – Development and Surface Water – Rivers Directorate have reviewed the Revised Drainage Assessment by AECOM, and our comments are as follows:

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15).The Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes a condition as part of its planning permission if granted

FLD4 - Artificial Modification of Watercourses - Not applicable to this site

FLD5 - Development in Proximity to Reservoirs

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

Flood Risk in the Climate Change Scenario

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

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that the vast majority of the site lies within both the 1 in 100 year fluvial climate change flood plain (Q100CC) and the 1 in 200 year coastal climate change flood plain (T200CC). The predicted Q100CC fluvial flood level at this location is within the range 5.57mOD to 4.89mOD and the predicted T200CC (50pc) coastal flood level at this location is 3.96mOD.

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

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

24.0 Planning Strategy for Rural Northern Ireland (DES2)

Proposals are acceptable in terms of the retention of and continuation of land uses at the site, no impact to amenity is envisaged and amended design is now acceptable Meets DES 2 of PSRNI

25.0 Recommendation

All information submitted has been duly considered throughout the assessment and processing of this application. On the basis of this assessment, approval is recommended.

26.0 DRAFT CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event including an allowance for climate change and urban creep.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

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

The sample panels shall be provided on site and made available for inspection by the Council and HED for the duration of the construction works. The sample panels shall show the source, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external stonework.

Reason: In the interests of the character and appearance of the setting of the Listed Buildings

4. The pitched roof covering shall be natural slate and shall not be applied unless in accordance with a written specification and physical samples, details of which shall have first been submitted to and approved in writing by the Council. Eaves and verges shall be clipped (no overhang or fascias)

Reason: In the interests of the character and appearance of the setting of the Listed Buildings

5. No works shall commence until all ancillary works (including any lighting fixtures, urban furniture, railings, bins, bollards etc) have been fully detailed, the details of which shall be submitted to and agreed in writing with the Planning Department in conjunction with Historic Environment Division. Works shall be implemented as agreed.

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

6. Materials and detail shall be as on Drawing Nos 05 uploaded 05 May 2026 & 04REV1 uploaded 5 May 2026.

Reason: In the interests of the character and appearance of the setting of the Listed Buildings

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

Reason: In the interests of public health.

8. That no development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

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

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

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

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

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

11. No development shall commence until a Sewer Adoption Agreement has been authorised by NIW to permit a connection to the public sewer in accordance with the

Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. The details of which shall be submitted to and agreed in writing by the Planning Authority.

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

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

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

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

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

14. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NIW and as required by planning condition no 8 have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

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

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

16. Prior to discharge into the Newry River, any surface water generated during the construction phases of the development shall first pass-through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

17. A suitable buffer of at least 10m shall be maintained between the boundary of the adjacent watercourse and the refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

Reason: To prevent adverse impacts on the features of the designated sites.

18. Prior to the commencement of the development hereby approved a Dust and Noise Management Plan shall be submitted to and agreed in writing by the Planning Authority to the satisfaction of Newry, Mourne and Down District Council Environmental Health Department. The Management Plan shall contain mitigation measures against the impacts of noise and dust and shall be implemented as agreed.

Reason: In the interest of public health.

19. Prior to commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Planning Authority to the satisfaction of NIEA/ Loughs Agency. The CEMP shall, include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

20. Prior to commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Planning Authority to the satisfaction of NIEA/ Loughs Agency. The CEMP shall, include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

21. The applicant shall implement the recommendations of the Flood Management Plan as stated in section of the Flood Risk and Drainage Assessment dated August 2025.

Reason: To ensure the safety of the general public.

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

The identification and evaluation of archaeological remains within the site;

Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in situ;

Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and

Preparation of the digital, documentary and material archive for deposition.

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

23. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition no 22.

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

24. 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 no 21.

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

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

25. No site works of any nature or development shall take place until Scheduled Monument Consent (SMC) has been granted by Historic Environment Division the details of which shall be submitted to and agreed in writing by the Planning Authority.

Reason: To prevent damage or disturbance to Newry Canal (ARM29:500) a monument of regional importance.

26. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 09 PSD Approved, Private Streets Determination.

The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

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

30. After completing all remediation works under condition no 28 and prior to operational use of the development, a verification report shall be submitted to and approved in writing by the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-tomanage-the-risks. The verification report shall present all the remediation, waste

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

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

31. Prior to the construction of any part of the development a detailed Stage 2 GQRA shall be submitted and agreed in writing by the Planning Authority to the satisfaction of NIEA, Regulation Unit.

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

32. Prior to commencement of development a detailed asbestos survey shall be submitted and agreed in writing by the Planning Authority to the satisfaction of NIEA, Regulation Unit.

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

33. There shall be no demolition works carried out on the building with known bat roost prior to the granting of a Wildlife Licence.

Reason: To minimise the impact of the proposal on bats

34. The development hereby approved shall be developed and operated in accordance with the plans and documents referenced at the beginning of this decision notice.

Reason: To ensure that the development is developed/operated in accordance with the approved plans and documents.

Delegated Application

Development Management Officer Report	
Application ID: LA07/2025/0186/F	**Target Date:**
Proposal: Proposed residential housing development of 176 No. dwellings, including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include re-alignment of Doran's Hill & Watson's Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F) (amended plans)	**Location:** Lands at Watson's Road/Doran's Hill Newry including lands to the east of Watson's Road
Applicant Name and Address: Lotus Homes The Factory 184 Newry Road Banbridge	**Agent Name and Address:** Thomas Ellison 20 May Street Belfast BT1 4NL
Date of last Neighbour Notification:	20 March 2025
Date of Press Advertisement:	5 March 2025
EIA Determination: N/A	

Consultations:

EH (29.01.26) – No objection subject to conditions

HED Historic Monument - (23.05.26) - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED (Historic Monuments) notes that the revised scheme retains the previously agreed landscape buffer around ARM 026:013, a rath site known as Watson's Fort. The site was previously archaeologically tested under Excavation Licence AE/2020/093, consequently no further archaeological mitigation is required.

DFI Roads (05.03.26) – Subject to condition and informatives.

NIEA Natural Heritage (22.01.26) - No concerns subject to recommended conditions.

Rivers (15.10.25)

FLD1 (Development in Fluvial and coastal Flood Plains) - Does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 (Protection of Flood Defence and Drainage Infrastructure) - Working strip required

FLD3 (Development and Surface Water) – Rivers Directorate, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions

FLD4 (Artificial Modification of watercourses) and FLD5 (Development in Proximity to Reservoirs) - Not applicable

NIHE (19.03.25) - It is important to note that all newly-constructed homes for social rent must be designed in compliance with the Department for Communities' (DfC) Housing Association Guide (HAG) Design Standards which can be found at Design standards | Department for Communities.

NIE (24.03.25) – No objection

NIW (05.03.25) – No objection

Representations:

- **NN received 11.03.26 but letter asked for comments by 11.02.26.**

Neighbour notification went out on 28.01.26 with comments due by 11.02.26 and additional letters went out 05.03.26 with 14 days to comment (19.03.26). Postal delay is not the responsibility of the Planning Department. Nevertheless, any comments received during processing have been fully considered.

- **Unauthorised works to the ancient site**

A complaint was made to the Planning Department regarding unauthorised works to the rath. This was fully acted upon and investigated by both HED and the Planning Department enforcement team. However, no further action was required.

- **The applicant's proposal relies on the delivery of an essential pedestrian footpath and road link situated on third-party land that I exclusively own, and for which I will absolutely not grant consent**

- **Proposal cannot deliver a safe pedestrian access or road link without trespassing on my property**

- **The developer's agent also submitted and obtained approval for Certificate of Lawfulness LA07/2024/0282/CLOPUD under Section 170 of the Planning Act (NI) 2011 for the proposed development, by incorrectly stating that "...there is no reliance on third party land owners". The Case Officer's Report for that application blindly accepted this claim, despite the fact that the Council was made**

fully aware that the developer did not own all the land required for the footpath and road link during the course of both applications and there was no evidence from the applicant of any agreement with myself, as required by the condition.

• The applicant is proposing a development that requires off-site pedestrian and road infrastructure to comply with PPS 3. They do not own the land required for this infrastructure, and I, the landowner, formally refuse to permit its construction.

Planning permission does not confer title, any matter relating to ownership, consent etc is a civil matter

• Failure to Comply with Planning Policy Statement 3 (PPS 3) - Since the applicant cannot physically construct the required footpath and road link on my land, the development cannot satisfy the stringent safety and accessibility requirements of PPS 3.

DFI Roads in latest comments have no objection subject to conditions and have considered representations.

• I wish to object to Planning Application LA07/2025/0186/F on the following grounds:

The 500mm shortfall in the Works constructed under P/2006/1117/F has not been detailed on the Private Streets Determination Drawing or accounted for within the Planning Application Form by the applicant. This 500mm strip, while presently subject to Litigation, remains in the ownership and control of EDB Construction Ltd. Neither Dfl Roads or the applicant have control over this 500mm strip.
This 500mm strip is required by the applicant of LA07/2025/0186/F in order to tie in the road works proposed under LA07/2025/0186/F to the road works completed under P/2006/1117/F.

DFI Roads have considered the objection letter and the current litigation matters are a separate issue

• Email to DFI cc to Planning (07.05.26) - I wish to query the consideration given by Dfl Roads to my objection, which was uploaded to the Planning Portal on 9 March 2026.
For ease of reference, my objection to Planning Application LA07/2025/0186/F was based on the following grounds:

- **The 500mm shortfall in the works constructed under P/2006/1117/F has not been detailed on the Private Streets Determination drawing or accounted for within the Planning Application Form. This 500mm strip, while presently subject to litigation, remains in the ownership and control of EDB Construction Ltd.**
- **A forward sight distance detail has not been provided on the realigned Watsons Road at the southern end of the application site.**

The 500mm strip is required by the applicant in order to tie in the road works proposed under LA07/2025/0186/F with those completed under P/2006/1117/F.

Issues raised were previously considered by DFI Roads and commented on as above.

• A forward sight distance envelope has not been provided on the realigned Watsons Road at the southern end of the application site in accordance with the Department's Road Design Manual. The forward sight distance should be designed for traffic traveling North along the road constructed under Planning Application P/2006/1117/F onto the proposed realigned Watsons Road spine road to be constructed under Planning Application LA07/2025/0186/F.

DFI Roads have considered objections and proposals before them with no objection in principle subject to condition.

Site Visit Report

Site Location Plan:



Date of Site Visit: 13.05.26

Characteristics of the Site and Area

The application site comprises an area of approximately 12.2 ha and comprises agricultural grassland which has recently been cleared for development. This is, located with the urban area of Newry City located beyond the site to the north-east and the main A1 dual carriageway to the west. The site is in immediate proximity to a strategic road junction with the A1 dual carriageway via Dorans Hill.

The application site forms part of a larger site (c. 13ha) which has been granted full permission for a housing development comprising 200no. units and improvements to road infrastructure (P/2013/0242/F). The construction of several dwellings has commenced on lands to the west of the application site associated with the full permission.

The application site consists of land to the west of Watsons Road and incorporates part of the existing Doran's Hill and Watsons Road network with the remainder of the site comprising agricultural grassland formed from the amalgamation of several smaller fields. The application site is bound by Watsons Road to the east/north-east, Doran's Hill to the north and agricultural land to the west and south.

A Scheduled Monument (Watsons Fort) is located centrally within the site. There is a designated watercourse (Glen River) outside the site's. Overall, the site has an undulating topography.

The site is located within the settlement development limit of Newry on zoned housing lands NY19 (committed) as defined in the Banbridge, Newry and Mourne Area Plan 2015. A GAC clubhouse and associated playing facilities is located along Doran's Hill to the north-west of the

site and a grass pitch to the south-east however overall the surrounding area is largely residential with developments including Brannock Heights, Glen Court, Brannock Close, Lisdrum Court, Liska Manor and Hawthorn Hill located nearby.

Description of Proposal

Proposed residential housing development of 176 No. dwellings, including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include re-alignment of Doran's Hill & Watson's Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F) (amended plans)

Planning Assessment of Policy and Other Material Considerations

PLANNING POLICY AND GUIDANCE

- Regional Development Strategy 2035 (RDS)
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)

- PPS 2 - Natural Heritage
- PPS 3 (and clarification) – Access, Movement & Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 12 – Housing in Settlements
- PPS 15 (Revised) – Planning and Flood Risk
- A Planning Strategy for Rural NI (PSRNI) – Policy DES 2

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

Relevant Planning History:

There is an extensive planning history on the site. As outlined below, full planning permission was granted on the wider site in September 2019 for 200 no. dwellings, improvements to the road infrastructure and associated works under application P/2013/0242/F. A subsequent Section 54 application was granted in July 2023 under application LA07/2021/0987/F which varied condition no. 17 imposed on P/2013/0242/F regarding the trigger point for works to the Watsons Road realignment. This is an extant permission given the application site and wider lands also benefit from a Certificate of Lawful Development (CLUD) for approval LA07/2021/0987/F (amending P/2013/0242/F). The CLUD sought confirmation that

development had commenced on plots 3, 4 and 5 Watsons Road and was certified in May 2024 confirming that planning permission LA07/2021/0987/F had lawfully commenced.

More recently planning application LA07/2024/1126/F was submitted for 22 no. dwellings on the NE portion of the site. This application is effectively a change of house type and mix originally approved under P/2013/0242/F. This application represents the remaining phase of the overall residential development on the wider lands and together with the subject application for 22no. dwellings (phase one) will provide an overall combined housing yield of 198no. dwellings which is just shy of the original extant permission (P/2013/0242/F which has approval for 200no.dwellings).

Planning History

• Application Number: P/2013/0242/F Decision: Permission Granted Decision

Date: 06 September 2019 Proposal: Proposed residential housing development of 200 no. units (some with garages), improvements to existing road infrastructure and associated works. (Additional Plan / Amended Description)

NB: A number of discharge of condition applications were submitted and determined associated with the original approval P/2013/0242/F.

•Application Number: LA07/2021/0987/F Decision: Approval Decision Date: 04 July 2023

Proposal: Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F.

• Application Number: LA07/2024/0282/CLOPUD Decision: Permitted Development

Decision Date: 16 May 2024 Proposal: Lawful commencement of LA07/2021/0987/F (amending P/2013/0242/F) approved for residential housing development of 200No. units (some with garages), improvements to existing road infrastructure and associated works

•Application Number: LA07/2024/1070/PAN Decision: Proposal of Application Notice is Acceptable Decision Date: 16 December 2024

Proposal: Proposed residential housing development including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include re-alignment of Dorans Hill & Watsons Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F)

• Application Number: LA07/2025/0186/F Decision: Decision Date:

Proposal: Proposed residential housing development of 176no. dwellings, including sunrooms and garages, landscaping and open space, and upgrading of road infrastructure to include realignment of Doran's Hill & Watson's Road with proposed new roundabout and all associated site and access works (change of house type & mix approved under planning reference P/2013/0242/F)

• Application Number LA07/2024/1126/F

Proposal: Proposed erection of 22 No. residential units (comprising 10 no. detached, 4 no. semi-detached and 8no. apartments), garages, upgrading of road infrastructure to include re-alignment of Dorans Hill & Watsons Road with proposed new roundabout, landscaping and all associated site works (change of house types & mix previously approved under: P/2013/0242/F, including addition of two apartment blocks)

Other relevant applications

- Application Number: P/2004/2131/F

Land at Watsons Road/Dorans Hill Lisdrumliska

Erection of Housing Development comprising 161 dwellings. Allowed by PAC 16.11.05

- Application Number: P/2006/1624/F Dorans Hill Lisdrumliska Decision: Application refused 06.01.09 and appeal subsequently allowed 28.07.09. Proposal: Erection of residential development comprising 32No. dwellings and 13No. apartments (Phase 2)

- Application Number: P/2006/1117/F Land opposite Nos. 20-24 Watsons Road Newry Construction of new housing development consisting of 77 dwellings and associated access, roads, parking and landscaping. Approval 8 May 2013

- Application Number: LA07/2023/3076/NMC Lands at Watsons Road/Dorans Hill, Newry including lands to the east of Watson's Road. Proposal: House type amendments. Refused May 2024

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

The proposal falls within the scope of Schedule 2 (Category 10(b)) of the above Regulations and as such, the Council is obliged to complete an EIA screening. Following completion of an EIA screening, the Council determined that the proposal would not result in any significant environmental impacts and as such, an Environmental Statement was not required.

Environmental matters can be appropriately dealt with through the planning application assessment, including the use of mitigation measures and the imposition of planning conditions, if necessary.

Area Plan:

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

Section 45 of The Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a new LDP. The application site is located within the Settlement Development Limit of Newry on zoned housing lands (NY19 committed).

A Local Landscape Policy Area (LLPA) (NY 133) references the Watsons Fort Rath as a distinctive feature in the wider landscape of this part of Newry.

The proposal is in accordance with the LDP designations and the principle for residential development and access arrangements on the application site have been established through the granting of planning permission under P/2013/0242/F.

Summary of the Proposal

The proposed development comprises the remaining phases of the overall residential development on the wider lands (c. 13ha) constituting a change of house type and mix (22 house types proposed) along with repositioning of dwellings and internal road from that previously approved under P/2013/0242/F.



Original approved layout



Current Proposal

Regional Development Strategy 2035

The RDS provides an overarching strategic planning framework which aims to take account of the economic ambitions and needs of the Region, and put in place spatial planning, transport and housing priorities that will support and enable the aspirations of the Region to be met. The Regional Guidance (RG) within the RDS relevant to the proposed development includes 'RG6: Strengthen community cohesion' for example through encouraging mixed housing development. Furthermore, 'RG8: Manage housing growth to achieve sustainable patterns of residential development' promotes high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

Strategic Planning Policy Statement for Northern Ireland 2015, 2nd ed

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

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

Overall, the proposed development complies with the overarching regional and strategic planning framework in the RDS and SPPS through providing a high-quality mix of housing in an accessible location which does not cause unacceptable damage to the local character, environmental quality or residential amenity of the area.

The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy. In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPS's which provide the relevant policy context for consideration of the proposal.

The main issues to consider in the determination of this application are set out below:

- Design, layout and impact on the character of the area
- Residential amenity
- Landscape and open space
- Access, movement and parking
- Natural heritage
- Built heritage
- Flood risk and drainage

Design, layout and impact on the character of the area – SPPS, PSRNI Policy DES 2, PPS 7, PPS 7 (Addendum)

Policy QD 1 Quality in New Residential Development states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The proposal complies with the following policy criteria:

a) The overall layout of the proposed development remains similar to that as previously approved under P/2013/0242/F with design changes proposed to dwelling types, changes to the housing mix, repositioning of dwellings within the site and to the internal roadway. Overall proposals continue to respect the topography of the site with landscaping and hardstanding areas incorporated within the development without adverse visual impact.

Design changes are sympathetic and development pattern is in keeping with the overall character and environmental quality of this residential area, thereby satisfying Policy LC 1 in PPS 7 (Addendum).

b) The original approval on the wider site protects and integrates the Scheduled Monument Watsons Fort in a suitable manner into the overall design and layout of the development. HED have raised no issues of concern in comments dated 23.05.26.

c) Public and private open spaces and landscaped areas continue to be an integral part of the proposed development.

The proposed layout portrays similar traits to that previously approved and the pockets of grassed areas and formal open space provision soften and aid the integration of the proposed development with the surrounding context without adverse impact upon the setting.

d) Given the location of the proposed development within the Settlement Development Limit and in close proximity to local neighbourhood facilities it is considered that the developer does not need to provide further local neighbourhood facilities. The site also benefits from its position between the recently developed Thomas Dvais GAC grounds and Lisdrumgullion Playing facilities.

e) The movement pattern is considered to be acceptable with the scheme providing improvements for both pedestrian and vehicular access. There is adequate and convenient access to public transport and the introduction of the new roundabout, improvements and widening to the existing Watsons Road as well as the new distributor road will significantly improve the existing roads infrastructure along with footpath connections.

f) There is adequate and appropriate provision made for parking within the entire development.

g) The design, form and materials are similar to that approved under P/2013/0242/F and are visually compatible with dwellings in the surrounding area.

h) The design and layout does not create conflict with the adjacent land use in the surrounding area which is predominantly residential, with no unacceptable adverse effect on existing or proposed properties.

i) The design and layout of the proposed development together with the position of the open spaces previously approved assists with surveillance of the area and will deter crime and promote personal safety.

Overall, the layout of the proposed development is reflective of that previously approved and taking all the proposed changes into account (change in house type and mix, internal road layout and reposition of dwellings) it is considered to tie in with the overall residential environment. For the reasons discussed above the proposal is considered to be in compliance with Policy QD 1 of PPS 7.

Residential Amenity

The proposed application is effectively a change to the originally approved housing scheme albeit changes to the house types and mix, internal road and repositioning of dwelling houses proposals will not create conflict with adjacent land use.

There is sufficient separation distance between the proposed dwellings including existing dwellings to the east located on the opposite side of Watsons Road in Brannock Heights.

Similar to the residential scheme approved under P/2013/0242/F the proposed dwellings on the application site have been sensitively designed to ensure that first floor gable windows are limited and those which are proposed are serving non-habitable rooms including landings and WCs. In addition, rear to rear relationships between proposed dwellings are in compliance with Creating Places design guidance.

Environmental Health were consulted and offered no objection to the proposed development subject to conditions.

Overall taking the above into account it is considered that the proposed development will not give rise to any detrimental impacts on neighbouring amenity.

Landscape and open space – SPPS, PPS 8

Policy OS 2 Public Open Space in New Residential Development states proposals for new residential development of 25 units or more or on sites of 1ha or more will only be permitted where public open space is provided as an integral part of the development and that the normal expectation will be at least 10% of the total site area.

The public open space provision across the overall residential development was assessed under P/2013/0242/F and considered acceptable given it proposed to provide 20.5% of the total site area of public open space. Landscape/ open space areas remain relatively unchanged from that previously approved. With proposals in compliance with Policy OS2.

The landscape proposals and Landscape Management Plan submitted with the application show that the proposals aim to create an attractive, high-quality landscape setting for the development.

The landscaping proposals provide amenity value by softening and aiding the integration of the proposed development with the surrounding context. The proposed private amenity across the development are well within the recommended minimum standard outlined in Creating Places.

Landscape Proposals:



Access, movement and parking – SPPS, PPS 3

Policy AMP 1 Creating an Accessible Environment states that where appropriate the external layout of development will be required to incorporate a number of criteria to aid accessibility for everyone and ***Policy AMP 2 Access to Public Roads*** requires accesses onto a public road to not prejudice road safety or significantly inconvenience the flow of traffic.

The proposed development aims to create an accessible environment by including new internal footways with dropped kerbs and tactile paving where appropriate. The proposed footways integrate with the existing local pedestrian footways connecting Doran's Hill to local shops and amenities. The application site is also within walking distance of Newry City Centre which is well serviced by Ulsterbus and is situated approximately one mile from Newry train station and Cycle Route.

The proposal is therefore considered to be in compliance with Policy AMP 1.

The previous approval proposed a new roundabout at Doran's Hill to facilitate a reduction in speed on approach to the site and provide necessary right hand turn movements onto the new Watsons Road alignment and overall housing development.

The previously approved roundabout and infrastructure works including re-alignment of Dorans Hill and Watsons Road are included in the phase one application (LA07/2024/1126/F) and through improving the road infrastructure meets the requirements of Policy AMP 2.

Policy AMP 7 Car Parking and Servicing Arrangements require development proposals to provide adequate provision for car parking and servicing arrangements.

The development has been adequately served throughout with incurtilage parking, with sufficient parking spaces for each of the proposed dwellings which is considered acceptable for this type of development. The site is in an accessible location for public transport and walking. Dfl Roads have offered no objections to this proposal subject to condition.

It is considered that the proposed development satisfies Policy AMP 7.

Private Streets Drawing:



Natural Heritage – SPPS, PPS 2

Policy NH 1 European and Ramsar Sites International only allows planning permission to be granted for development proposals that are not likely to have a significant effect on European or listed or proposed Ramsar sites. There is potential for hydrological connectivity between the application site and Carlingford Lough SPA and Carlingford Lough Ramsar Site via the Newry River catchment. However given proposals will connect to the public sewer connections and given the significant distance between the development and the European site, the risk is negligible.

The proposal therefore meets the requirements of Policy NH 1.

Policy NH 2 Species Protected by Law states planning permission will only be granted for a development proposal that is not likely to harm a European protected species or any other statutorily protected species, and which can be adequately mitigated or compensated against.

NIEA-NED (response 22.01.26) were consulted and offered no objection to the proposed development subject to planning condition.

Proposals meet NH2

Policy NH 5 Habitats, Species or Features of Natural Heritage Importance states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on priority habitats. The removal of hedgerows has already taken place on the application site however the landscape proposals submitted with the application show native boundary/woodland screen planting. NIEA-NED (22.01.26) are content with proposals subject to condition.

For the reasons outlined above it is considered that the proposed development meets the requirements of Policy NH 2 and Policy NH 5.

Built Heritage – SPPS, PPS 6

Given the presence of the Scheduled Monument on the site HED Historic Monuments were consulted. Based on the results of previous archaeological excavation on the site under Excavation Licence, HED Historic Monuments are content that the proposal is satisfactory to SPPS and PPS 6 archaeology policy requirements.

Flood Risk and Drainage – SPPS, Revised PPS 15

The proposed development is located outside any fluvial or coastal flood plain including the climate change flood plain, is not in proximity to a reservoir and does not involve culverting. The relevant policies in PPS 15 include ***Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure and Policy FLD 3 Development and Surface Water.***

Dfl Rivers were consulted on the application and requested that a working strip is shown on a site layout drawing. Based on the proposed site layout, Rivers Directorate acknowledge the provision of a working strip, thereby satisfying the requirements of Policy FLD 2.

As per the requirements of Policy FLD 3 a Drainage Assessment was submitted. Dfl Rivers accept the logic of the Drainage Assessment and offer no objection subject to a condition.

Water and Sewage

NI Water were consulted on the application and confirmed that there is available capacity at Newry WwTW; there is a public foul sewer and public water main within 20m of the proposed development boundary which can adequately serve the proposed development.

Neighbour Notification Checked Yes/No

Summary of Recommendation

Taking into account all planning policy, material considerations, representations and consultee responses it is considered that the proposed development is acceptable and will not cause any detrimental impact when compared with the original scheme already approved. It is recommended that the application is approved subject to conditions.

Draft Conditions:

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

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

2. The development should be carried out in compliance with the air quality impact assessment particularly the mitigation processes in section 7.0.

   Reason: In the interest of residential amenity

3. Prior to development commencing a proposal should be submitted which demonstrates how the mitigation measures in 7.0 will be implemented to the satisfaction of Environmental Health.

   Reason: In the interest of residential amenity

4. Regarding the potential noise impact on the built properties, this will require the mitigation measures in the most recent noise impact assessment dated to be conditioned.

   Reason: In the interest of residential amenity

5. Prior to development commencing a proposal should be submitted which demonstrates how the construction will occur without impacting detrimentally on existing receptors. It is noted that an objector makes reference to equipment being on site.

   Reason: In the interest of residential amenity

6. Prior to development commencing the applicant should assess the site for possible rodent activity and take precautions to prevent disturbance from rodents to neighbouring properties as a result of building works.

   Reason: In the interest of residential amenity

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

   The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No Private Street Determination 19-157-P-203 PSD_Phase 2_Rev D, published on the 27 Feb 2026 and drawing No PSD Layout C102Y PSD LAYOUT PH2 A0 published on the 27 Feb 2026

   Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

   No other development hereby permitted, shall be commenced, until the road improvements have been completed in accordance with details submitted to and approved by the Department as indicated generally on Drawing No Private Street Determination 19-157-P-203 PSD_Phase 2_Rev D, published on the 27 Feb 2026 and drawing No PSD Layout C102Y PSD LAYOUT PH2 A0 published on the 27 Feb 2026. The Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

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

9.The visibility splays as indicated at the junctions of the proposed accesses with the public road, shall be provided in accordance with the approved plans, prior to the commencement of any other works of this development within that phase.

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

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

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

11.Any telegraph poles/street furniture will require to be re-sited to the rear of sight visibility splays.

Reason: In the interests of road safety and traffic progression.

12.The gradient of any side slopes proposed will be a maximum of 1 metre in 2 metres.

Reason: In the interests of road safety and traffic progression.

13. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer in accordance with the Department's specification (Design Manual for Roads and Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interests of road safety and traffic progression

13. The gradient of a private access should not exceed 8% for the first 5 metres outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interests of road safety

14. The vehicular accesses, including visibility splays and any forward sight distance,

shall be provided in accordance with Drawing No Private Street Determination 19-157-P-203 PSD_Phase 2_Rev D, published on the 27 Feb 2026 and drawing No PSD Layout C102Y PSD LAYOUT PH2 A0 published on the 27 Feb 2026 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

15. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

16. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

17. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users

18. No more than those dwellings indicated within Phase 1 of the development hereby permitted, as indicated on drawing No. 96 received on 7th July 2015, shall be occupied prior to the completion of all road works associated with Phase 1 on Doran's Hill, Watsons Road and internal housing roads.

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

19. No more than those dwellings indicated within Phase 2 of the development hereby permitted, as indicated on drawing No. 97 date received 7th July 2015, shall be occupied prior to the completion of all road works associated with Phase 2 on the new distributor road, Glen Hill, Watsons Road and internal housing roads.

Reason: To ensure that the road works considered necessary to provide a proper,

safe and convenient means of access to the site are carried out prior to the completion of this part of the development.

20. No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted, as indicated on drawing Nos. 96, 97 and 98 all received on 7th July 2015, shall be occupied prior to the completion of all road works associated with Phase 3 on the new distributor road, Watsons Road and internal housing roads.

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

21. Prior to the commencement of any works of the development hereby permitted the proposed roundabout and any associated works will require to be designed in accordance with the relevant section of the Design Manual for Road and Bridges will be subject to sperate agreement by Transport NI.

Reason: In the interests of road safety and traffic progression.

22. No more than those dwellings indicated within Phase 1, 2 and 3 of the development hereby permitted as indicated on drawing Nos 96, 97 and 98 received on the 7th July 2015, shall be occupied prior to the developer complying with the legislative process to stop up and abandon relevant parts identified by the Department for Infrastructure of the existing Watsons Road. These works will require the developer to contact Department for Infrastructure Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Department for Infrastructure.

Reason: In the interests of Road Safety and Traffic Progression.

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23. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%). Reason – In order to safeguard against surface water flood risk.

24The Badger Mitigation Plan (dated August 2025) shall be implemented in full. In the event where amendments/alterations to the plan are required, written permission

and approval from the Newry Mourne & Down District Council is required before implementation.

Reason: To protect existing badger setts an minimise any further disruption to the local population.

25No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 meters. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials Natural Environment Division shall take place within the protection zone(s) without the consent of the Planning Authority/unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site

26.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.

Reaosn: In the interest of environmental protection

27.During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with …….. …… received on the …… and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

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

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

29. The retaining walls shall be designed in accordance with the relevant British Standards or Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such design and assessment shall be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed to meet relevant British

Standards or Codes of Practice.

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMullan	
Application ID: LA07/2023/2230/O	**Target Date:**
Proposal: Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.	**Location:** 55m east of 29 Clonvaraghan Road, Castlewellan, BT319JU (Amended description).
Applicant Name and Address: Erin Wright 73 Cairn Grove Kilcoo Newry	**Agent Name and Address:** Declan Rooney Planning Permission Experts 32a Bryansford Avenue Newcastle Bt33 0lg
Date of last Neighbour Notification:	14th May 2025
Date of Press Advertisement:	13 March 2024
ES Requested: No	
Consultations: **NI Water**-No objections **DAERA WMU**-No objections **NMD EHO**-No objections **DAERA NED**-No objections **HED** (Buildings)-No objections **DFI Roads**-No objections	
Representations: Application advertised in local press 15th March 2023 & 13th March 2024. Neighbours notified 12th April 2023 & 26th Feb. 2024. Additional neighbour notified 14th May 2025. No objections received to date 11th June 2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Principle of development (replacement of listed building/dwelling), built heritage (listed buildings), natural heritage, access etc.

Site Visit Report

Site Location Plan:





Date of Site Visit: 13th Feb. 2024 & 10th June 2025.

Characteristics of the Site and Area





This site is located upon the eastern side of the Clonvaraghan Road, Castlewellan. Access is gained via an existing concrete driveway which serves the site, numbers 19,

29 & 31 Clonvaraghan Road and Ballywillwill House which is located at the end of the driveway approx. 430m NE of the site.









The site is at a lower level than the Clonvaraghan Road. It is set back from the road approx. 80m. It is located upon the southern side of the driveway it abuts. The site (as per submitted red line) is roughly rectangular in shape with an area of approx. 0.10h in size. Its topography is noted to fall slightly in a southern direction from the laneway to the rear of the site & also in an eastern direction across the front.

Within the site a detached single storey building is in situ. The main body of the building has a rectangular footprint with a few returns emanating from same. The building has no roof with a chimney stack being noted. The walls of the building are seen to be substantially intact being made from stone. Window and door openings are noted in place. Windowsills, quoins and decorative detailing around the front door of the building were noted.

The building within the site is seen to be located in the north western corner of an open grassed field. The boundaries of the site were noted to be defined as follows:

Northern- Undefined/post & wire fencing.
Eastern-Undefined
Western-Adjacent mature trees/bushes
Southern-Undefined



Driveway leading to and past site

The site is located to the southeast of the defined settlement limits of Clonvaraghan within open agricultural lands. The character of the area is mixed. Residential development within Clonvaraghan is noted to the north west/west of the site. To the north west, west and south of the site open agricultural lands are noted. Ballywillwill House (Grade B1) is noted to the northeast of the site. The building which is the subject of this application is noted to be a gate lodge associated with Ballywillwill House, which is annotated upon maps as below:



1838-1862

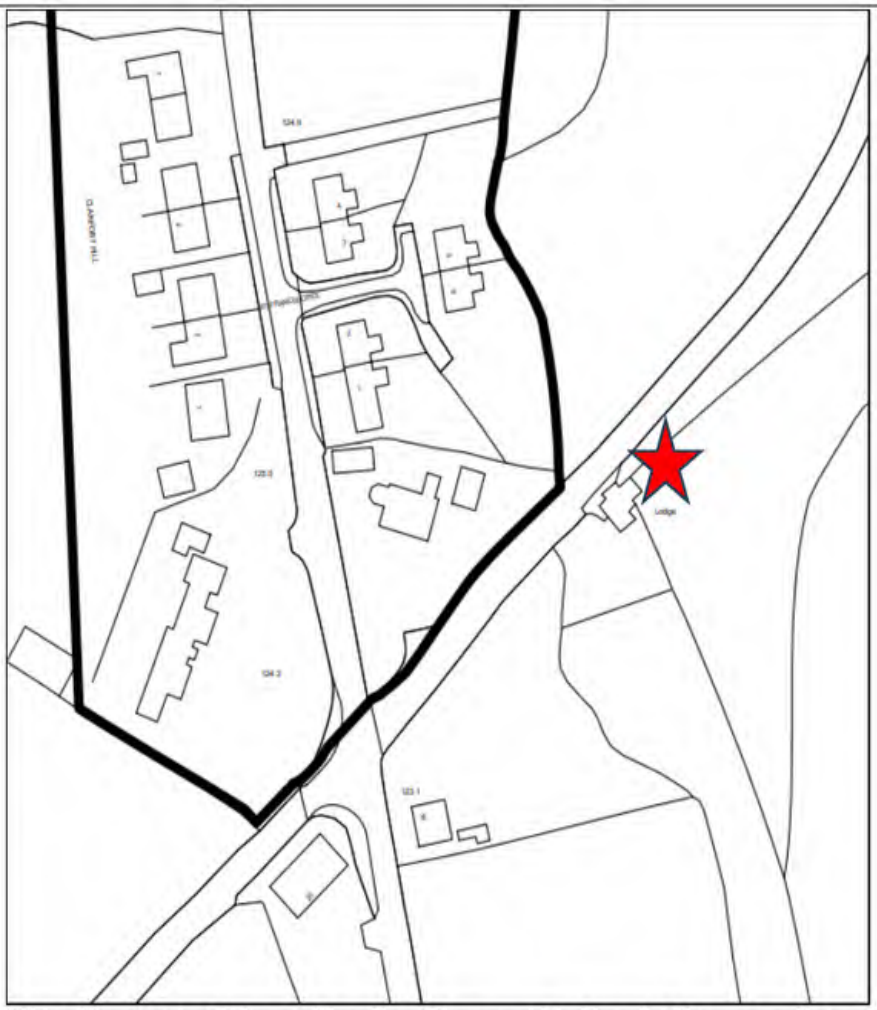


Current

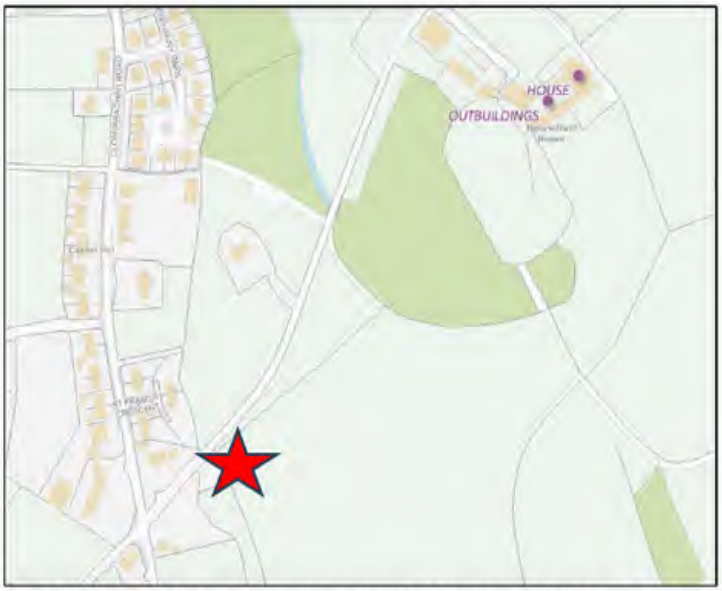
Description of Proposal

Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.

Planning Assessment of Policy and Other Material Considerations



Site is located to the east of the defined settlement limits of Clonvaraghan within a rural context. It is within an AONB (Ards and Down Area Plan 2015).



Site comprises Gate Lodge of Ballywillwill House which is listed (Grade B1)

PLANNING HISTORY

Planning Application Number: R/1988/1053
Decision: Withdrawal
Decision Date: 07 April 1989
Proposal: Conversion of outhouse buildings to 6 flat units and amenities, new entrance lobby to main house at rear

Application Number: R/1988/1052
Decision: Permission Granted
Decision Date: 07 June 1989
Proposal: Alterations and change oof use of the existing Ballywillwill House to a christian retreat centre, together with the conversion of outhouses to six flats units and associated accommodation

Application Number: R/1992/0776
Decision: Permission Granted
Decision Date: 02 April 1993
Proposal: Extension and renovation to Gate Lodge and change of use to self catering accommodation.

Application Number: LA07/2021/2160/O
Decision: Permission Granted
Decision Date: 19 October 2022
Proposal: Farm dwelling and garage with associated site works.

SUPPORTING DOCUMENTS

Application form
Drawings
Design and Access Statement
NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd).
Supporting/rebuttal statement
Bat emergence survey report (Aulino Wann & Associates)

CONSULTATIONS

NI Water-No objections
DAERA WMU-No objections
NMD EHO-No objections
DAERA NED-No objections
HED (Buildings)-No objections
DFI Roads-No objections

REPRESENTATIONS

No objections to date 11th June 2025.

EVALUATION





SPPS

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It reflects the Environment Minister's expectations for delivery of the planning system. It has been agreed by the Northern Ireland Executive and it is judged to be in general conformity with the Regional Development Strategy 2035.

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy. Any relevant supplementary and best practice guidance will also continue to apply.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Replacement dwellings: provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. *Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances*;

Protected Species

The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

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

Built Heritage

The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

Listed Buildings

Listed buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 21:
Policy CTY 3 – Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

• the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either

(a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or

(b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

• the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
• the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
• all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
• access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the *replacement of a listed dwelling unless there are exceptional circumstances*

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

Policy CTY 14 – Rural Character

Policy CTY 15-The Setting of Settlements

Policy CTY 16 – Development Relying on Non-Mains Sewerage

PPS 2 Natural Heritage:

Policy NH 2 - Species Protected by Law
Policy NH 6 – Area of Outstanding Natural Beauty

PPS 3 Access, Movement and Parking

Policy AMP 2 Access to Public Roads
Policy AMP 3 Access to Protected Routes

PPS 6 Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building

Consideration:

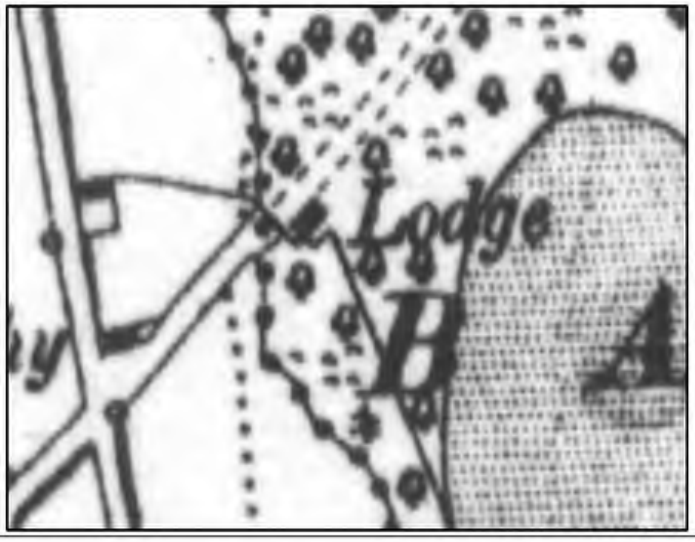
Principle

The building subject of this application is considered to exhibit the essential characteristics of a dwelling (chimney stack, fenestration, decorative quoins & windowsills etc.). All external walls are seen to be substantially intact also. Historical maps and information from HED illustrate that it is a gate lodge associated with Ballywillwill House. Therefore, Council is content that the building subject of this application *is a dwelling house for the purposes of policy.*

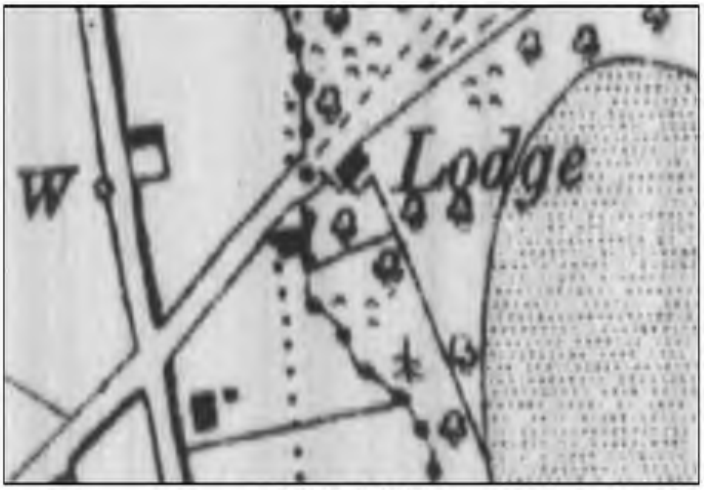
In turn it is noted that this application seeks to replace the dwelling immediately to the south-east of the building currently in situ (with the retention of the dwelling to be replaced as a store). This proposed siting is considered to be outside of the established/historical curtilage of the gate lodge as illustrated below via several historical maps.



1838-1862



1900-1932



1916-1957



1952-1979



1957-1986



Current map (with established curtilage in red)



Current site aerial image

The proposed siting is seen to be outside of the curtilage of the dwelling/gatelodge subject to this application. Policy states that replacement dwellings **must** be located within the established curtilage *where practicable*, or at an alternative position nearly *where there are demonstrable benefits in doing so*. An assessment of the planning supporting statement provided with the application finds no reasons having been provided for the siting of the 'replacement dwelling' remote from the established site curtilage. No demonstrable benefits have been outlined in respect of the proposed siting either.

As this application seeks outline permission only, in the event of approval being granted relevant conditions relating to size/ridge heights etc. could be utilised to ensure that the new dwelling does not have a visual impact significantly greater than the existing dwelling. It is noted that a concept plan has been provided which illustrates that the dwelling to be replaced has a footprint of approx.. 59m.sq with the new dwelling illustrated as having a footprint of approx.. 115m.sq. The ridge height is also seen to be illustrated as being slightly higher than the gate lodge, with a lower FFL. HED are seen to be content with this detail as provided. On balance it is therefore considered that the new dwelling will not have a visual impact significantly greater than the dwelling that is to be replaced. Further detail would be provided in the event of approval at Full/R. Matters stage.

In turn, following detailed consultation with the Dept. of Communities Historic Buildings Unit, it is seen that the gate lodge dwelling is a curtilage structure of HB18/16/001A-Ballywillwill House **and therefore is afforded the same protection as Ballywillwill House itself under Section 80(7) of the Planning Act (NI) 2011.**

HED Historic Buildings consider the gate lodge at 55m east of 29 Clonvaraghan Road, Castlewellan to be a curtilage structure of HB18/16/001A - Ballywillwill House and therefore afforded the same protection as Ballywillwill House itself under Section 80 (7) of The Planning Act (NI) 2011. HED advises that Listed Building Consent (LBC) is required for any changes to its layout or fabric under Section 85 of the same legislation. Please refer to Image 1 below.

Section 80(7) of The Planning Act (NI) 2011 states the following:

(7) In this Act "listed building" means a building which is for the time being included in a list compiled under this section; and, for the purposes of the provisions of this Act relating to listed buildings, the following shall be treated as part of the building—

(a)any object or structure within the curtilage of the building and fixed to the building;
(b)any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st October 1973.

It is noted that the SPPS outlines that *Planning permission will not be granted for the* ***replacement*** *of a listed dwelling unless there are* ***exceptional circumstances*****;**
As a result of the above comments/status of the building subject of this application the agent was made aware of same and that Council contended that to replace the dwelling would be unacceptable as no exceptional circumstances have been provided in respect of same.

The agent in turn is noted to have provided a response to the above concerns, 8th May 2024, following up upon an email sent, 3rd April 2024. Council have considered the contents of same in conjunction with HED comments regarding the status of the building and find no supporting information to remove concerns as raised in respect of the replacement of a building/dwelling that is listed. It is noted that the agent within their rebuttal concludes with the following:

'It is our considered opinion that the dwelling to be replaced is its own independent unit which does not fall within the listed curtilage of Ballywillwill House. ***We do not consider the building to be listed by way of association with Ballywillwill House.*** *If the planning authority and HED stick to their assertion that the building is listed, we are of the opinion the Planning Authority are acting unreasonably by applying an exceptional policy test to justify it replacement, given that we are proposing to retain the building and not demolish it. This approach is clearly supported by the policy provisions of PPS 6. Furthermore, the proposed retention of the building to preserve its historic and architectural interest should be treated as an exceptional planning gain. This has already been welcomed by HED, and we would respectfully request the planning authority reconsider their stance and look favourably on the development proposal.*

An assessment of the agent's rebuttal outlines the following:

A-Disagrees that the building is listed *(Council considering comment from HED are content that it is listed by association with Ballywillwill House).*

B-Ambiguity/inconsistency between PP21/PPS 6 *(Council note that HED are content with the proposed new dwelling adjacent to the gatelodge regarding PPS 6 policy requirements. However, contend that PPS 21 is a planning policy that does not fall to HED to decide upon). HED advise that the building is listed which Council have considered, in turn engaging the exceptional test as noted within the SPPS and Policy CTY 3).*

C-Building will continue to deteriorate, renovation/restoration may be impossible/ financially unviable *(No supporting information has been provided to support this and on its own it would not be an exceptional circumstance).*

D-Not possible to extend/renovate to provide suitable accommodation *(no evidence has been provided to support this and on its own it would not be an exceptional circumstance).*

E-Any extension would result in the loss of the essential character of the building *(any works to the gate lodge by way of extension would be required to gain planning approval and LBC so as to ensure that they would be acceptable).*

F-Extending to the rear not feasible due to NI Water Foul Sewer *(potentially a side extension to the western side of the building could be provided to overcome this issue).*

This application seeks to **replace** the dwelling via the SPPS and Policy CTY 3 of PPS 21. Council acknowledge that this application is unique in that it seeks to replace the dwelling *but also to retain it* (as a store). However, **by seeking its replacement** policy CTY 3 is engaged (in conjunction with the SPPS) which clearly outlines that the replacement of a listed building is **only acceptable in exceptional circumstances.** Considering the information as provided within this application it is considered that no exceptional circumstances have been provided that would outweigh Councils concern in respect of the replacement of a listed building as per the SPPS and Policy CTY 3 of PPS 21.

PPS 21

As outlined previously, the proposed siting of the new dwelling is outside of the established curtilage of the dwelling that is to be replaced into an open field. No supporting information has been provided outlining that the curtilage of the dwelling is so restricted that it could not reasonably accommodate a modest sized dwelling, or that it has been shown that the proposed siting would result in demonstrable landscape, heritage, access or amenity benefits.




Proposed site in open field.

As this application seeks outline permission only no detailed drawings have been provided apart from an indicative site layout drawing. In the event of approval being granted relevant conditions can be utilised in respect of the potential size/design of the new dwelling (footprint/ridge height etc.). Although concerns with regards to integration may arise given the nature of the site boundaries via policy CTY 13 of PPS 21. All required services it is considered can be provided without significant adverse impacts upon the local environmental or local character. The development seeks to utilise the existing access (with modifications) and DFI Roads are seen to offer no objections to same. Council is therefore content that the development would not prejudice road safety or sig. inconvenience the flow of traffic etc.

Access

DFI Roads have been consulted and are noted within their last consultation response to offer no objections to the scheme as proposed (with alterations to the existing access proposed). Council is content that the development therefore complies with the requirements of PPS 3 policy AMP 2. Policy AMP3 is not engaged as the Clonvaraghan Road is not a Protected Route.

Built Heritage

The Dept. for Communities HED unit have outlined that they have no objections (conditional) to the development as proposed. They outline the following:

HED Historic Buildings has considered the effects of the proposal on the listed building and on the basis of the information provided give the following advice:

• HED Historic Buildings considers the proposal satisfies the policy requirements of Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.

We welcome the retention of the gate lodge. We note the proposed dwelling sits in close proximity to the gate lodge and, in this instance, are supportive of the proposal as it ensures the ongoing viability of the gate lodge. Any planning application submitted for this site should clearly show any works proposed to the gate lodge.

HED Historic Buildings request to be consulted on any future planning applications submitted for this site.

HED Historic Buildings are seen to be content that the provision of a new dwelling within proximity to the Gate Lodge is acceptable in respect of the SPPS and PPS 6 BH 11, which considers the potential impacts of development *upon the setting of a listed building.* While council acknowledge this, it is also contended that this does not satisfy the requirements of the SPPS and Policy CTY3 which clearly outlines that 'planning permission will not therefore be granted for the replacement of a listed dwelling unless there are **exceptional circumstances'**. As assessed previously the circumstances in this case on balance do not outweigh policy objections to the principle of development.

Natural Heritage

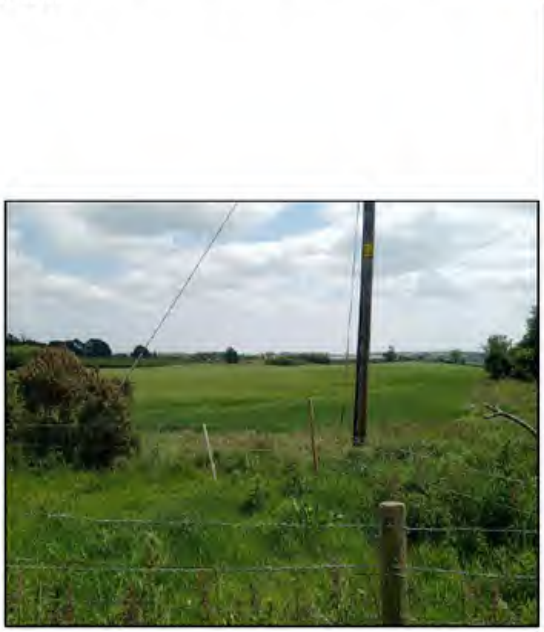
DAERA NED have provided standing advice in respect of the development as proposed. Council is content with this in conjunction with the ecological information provided (NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd) & Bat emergence survey report (Aulino Wann & Associates). It is considered that the development will not result in any harm to any noted interests of natural heritage importance within the site or remote from it including bats, badgers and/or designated sites etc. The development is in keeping with the requirements of the SPPS and PPS 2 Natural Heritage.

Integration/Character (CTY13/14)

Given the nature of the site and its topography it is considered that no issues in respect of prominence shall arise in this instance. It is noted that only one of four site boundaries is defined via mature landscaping. The front, rear and side (eastern) boundaries are currently undefined/defined via post and wire fencing only.

When viewed from the laneway passing the site this would result in issues of concern with respect to the integration of the development as proposed. While the western site boundary is comprised of mature trees it is considered that on balance the site lacks long established boundaries/is unable to provide a suitable degree of enclosure for the development as proposed (which sits within an open field). Consequently, it would rely upon new landscaping for the purposes of integration.

Given the nature of the site, it is considered that required ancillary works could be provided to integrate into the site/surrounding area (utilising appropriate conditions regarding existing/proposed levels and FFL's etc.). As this application seeks outline approval only no detailed design detail has been provided apart from a site layout drawing. In the event of approval being forthcoming HED conditions as requested in conjunction with appropriate planning conditions could ensure that a dwelling of appropriate size and design is provided. The development is seen to extend out into an open field which lacks sufficient boundaries. When viewed from the laneway there is a flat open backdrop to the development as below which would result in the development being contrary to point (f) of policy CTY13. Point (g) of policy CTY 13 is not engaged in this instance.





As Council contend that the principle of development in this instance is unacceptable, it is therefore found that the development would result in a suburban style build-up of development when viewed with existing buildings (gate lodge and dwellings within defined settlement limits of Clonvaraghan to the west of the site) noted within proximity of the site. Further to this the provision of the dwelling would in turn not respect the pattern of development noted within the local area which mainly consists of dwellings within the defined settlement limits of Clonvaraghan fronting onto the Clonvaraghan Road. It is noted that one dwelling to the north east of the site fronts onto the laneway, but as the principle of development is considered to be unacceptable in this case, on balance the provision of same would also not respect the pattern of development either.

To provide a dwelling as proposed within this application, fronting onto the laneway to its north, as per the dwelling that is to be replaced which is considered to be unacceptable in principle as previously outlined would result in the creation of a ribbon of development along this stretch of the laneway. Both buildings would be visually linked when viewed from the laneway (with both fronting onto same) which would be

contrary to point (d) of policy CTY 14 of PPS 21. No concerns with regards to point (e) of policy CTY 14 shall arise.

Setting of Settlements (CTY 15).



Site visually linked to defined settlement of Clonvaraghan

When viewed from the laneway that passes the front of the application site it is seen that the gate lodge building reads with development that is located within the defined settlement limits of Clonvaraghan (which is seen to be at a higher level than same/the site). The proposed replacement dwelling would in turn be visually linked to the gate lodge and also the development noted within Clonvaraghan. This in turn would be considered to be contrary to policy CTY15 of PPS 21 as it would mar the distinction between the defined settlement and the surrouding rural/countryside area.

AONB

The proposal would fail to conserve or enhance the character and features of the AONB.

As the proposal is unacceptable in principle. For reasons outlined above, it would be detrimental to the rural character of the area and hence by extension to the AONB.

The proposal is contrary to NH6 of PPS 2.

Waste

NI Water, DAERA WMU and NMD EHO unit offer no objections to the development as propsosed. It is seen that mains water shall be utilsed. Sewerage shall be disposed of via a septic tank.

EIA Regulations

As the site is within an AONB an EIA Screening is required in this instance.

This has been carried out 9th June 2025 and it has been found that an ES is not required.

Neighbour Notification Checked Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling to be replaced is a listed building protected under Section 80 (7) of The Planning
Act (NI) 2011 and no exceptional circumstance have been provided to justify its replacement.

The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside as the proposed new dwelling is not sited within the established curtilage of the dwelling to be replaced and it has not been demonstrated that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside as the site lacks long established natural boundaries, being unable to provide a suitable degree of enclosure for the development to integrate into the landscape, relying primarily on the use of new landscaping for purposes of integration. It also fails to blend into the site due to its lack of a backdrop.

The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would result in the suburban style build up of development when viewed with existing buildings; it does not respect the pattern of development exhibited in the area and it would create a ribbon of development along the laneway.

The proposal is contrary to the SPPS and policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would mar the distinction between the defined settlement of Clonvaraghan and the surrounding countryside.

The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal fails to conserve or enhance the character and features of the AONB.

Case Officer Signature: R McMullan **Date:** 11th June 2025
Appointed Officer Signature: Brenda Ferguson **Date: 16/06/2025**

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

Addendum report for LA07/2023/2230/O

This addendum is to be read in conjunction with the case officer report as published to the public portal on 16th June 2025.

Following the Planning Committee meeting on the 15th October 2025, it was agreed to defer the application to allow for the submission of an LBC application.

An application seeking Listed Building Consent (LA07/2025/1562/LBC) was subsequently submitted on 15th December and relates to works to the gate lodge associated with application LA07/2023/2230/O for a replacement dwelling with retention of original dwelling for storage purposes. As the gate lodge dwelling is a curtilage structure of HB18/16/001A- Ballywillwill House it is afforded the same protection as Ballywillwill House itself under Section 80(7) of the Planning Act (NI) 2011.

The Listed Building Consent in so far as it related to the works proposed to the Listed Building are considered to be acceptable. Consent for the works to be carried out to said building do not however render the principle of the redevelopment acceptable (in this case a replacement dwelling under Policy CTY 3). The refurbishment of the Gate Lodge building and the plans associated with such furthermore emphasises the point that the building is suitable for conversion and a suitable scheme could be considered under Policy BH 8 without the need to seek replacement of the building with a new dwelling which will lie alongside the existing and outside of the established curtilage and without sufficient demonstration of exceptional circumstances.

The agent has put forward a case of "Planning Gain" should the dwelling be replaced and "retained" and has stated that *"the proposed retention of the building to preserve its historic and architectural interest should be treated as an exceptional planning gain. This has already been welcomed by HED, and we would respectfully request the planning authority reconsider their stance and look favourably on the development proposal".*

HED have supported the plans indicating refurbishment and retention of the building as part of the LBC application. This reinforces the potential for conversion and extension of the building without the need to replace. The agent in their supporting information puts forward the following points in respect of the planning gain as a result of the replacement of the Listed Building:

A-Disagrees that the building is listed - This is now accepted and supported by an LBC application in respect of the works proposed to the Gate Lodge building.

B-Ambiguity/inconsistency between PP21/PPS 6 - HED have provided comments only in respect of Policy BH 11 (Development affecting the setting of a Listed Building) of PPS 6 which lies within their remit. Policy CTY 3 of PPS 21 falls to be

assessed by planning, taking into account the fundamental policy requirements within and is a stand-alone policy.

C-Building will continue to deteriorate, renovation/restoration may be impossible/ financially unviable – no financial information has been provided to support this and it has been shown within the LBC application that it is possible to retain and sympathetically restore/refurbish the building without detriment to its historic character and setting, therefore the option of renovating and extending the building has not been fully explored as a possibility and the planning gain of replacing and retaining has not therefore been adequately demonstrated.

D-Not possible to extend/renovate to provide suitable accommodation – officers disagree with this assertion and consider it could be suitably refurbished and extended, allowing for its retention within its original curtilage and historic setting.

E-Any extension would result in the loss of the essential character of the building – this is an option that could be explored and assessed under Policy BH 8 of PPS 6 and any extension to the LB would be considered in respect of this policy. The policy allows for the extension of the building subject to it meeting certain criteria.

F-Extending to the rear not feasible due to NI Water Foul Sewer - no information has been provided to support this and should this be the case there are other possible options for side extension to western side.

To conclude, this application seeks to replace the Listed Gate Lodge dwelling and thus engages the SPPS (NI) 2nd Edition and Policy CTY 3 of PPS 21, amongst all other relevant retained Planning Policies. The Listed Building Consent does not demonstrate that the viability and suitability of a replacement scheme rather it is considered to reinforce the officers view that suitable sympathetic refurbishment and extension of the building is possible with minimal intervention, in line with PPS 6 Policy requirements.

Whilst it is acknowledged that this application is unique in that it seeks to replace the dwelling but also retain it (as a store), by seeking its replacement Policy CTY 3 is engaged which explicitly outlines that the replacement of a listed building is only acceptable in exceptional circumstances. To allow for a replacement of the listed building would set a dangerous precedent for buildings such as this whereby conversion of the building is reasonably viable, and it is considered replacement with a new dwelling is unacceptable in this instance.

The refusal reasons as outlined previously in the case officers report in respect of the SPPS, and the retained Planning Policies still stand and refusal is recommended.

- The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling to be replaced is a listed building protected under Section 80 (7) of The Planning Act (NI) 2011 and no exceptional circumstance have been provided to justify its replacement.

- The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside as the proposed new dwelling is not sited within the established curtilage of the dwelling to be replaced and it has not been demonstrated that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside as the site lacks long established natural boundaries, being unable to provide a suitable degree of enclosure for the development to integrate into the landscape, relying primarily on the use of new landscaping for purposes of integration. It also fails to blend into the site due to its lack of a backdrop.

- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would result in the suburban style build-up of development when viewed with existing buildings; it does not respect the pattern of development exhibited in the area and it would create a ribbon of development along the laneway.

- The proposal is contrary to the SPPS and policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would mar the distinction between the defined settlement of Clonvaraghan and the surrounding countryside.

- The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal fails to conserve or enhance the character and features of the AONB.

Date: 28/04/2026	Authorised officer:	B.Ferguson
Date: 30/04/2026	Appointed officer:	P.Manley

Chair and Members, thank you for the opportunity to speak today.

As members will recall, this application previously came before committee in October 2025, when it was deferred to allow the submission of the Listed Building Consent.

Since that time, Listed Building Consent has now been approved by the Department, and Historic Environment Division have confirmed that they are content with the proposal. Despite that, the recommendation before members today remains one of refusal.

In our view, the principal issue in this case is the interpretation of Policy CTY3, specifically the listed building element of that policy.

Wording of Policy CTY3

The relevant wording of Policy CTY3 begins by stating that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. It then states that planning permission will not normally be granted for the replacement of a listed dwelling unless exceptional circumstances exist. In our respectful view, those two sentences must be read together.

The clear thrust of the policy is to prevent the unjustified loss or demolition of listed buildings. However, that is not what is proposed here. This proposal does not seek to demolish the listed building. The building is to be retained in situ and preserved as part of the overall development.

As such, we believe the policy objective - namely the retention and preservation of the listed structure - is fully achieved by this proposal.

Historic Environment Division Support

Importantly, the statutory consultee responsible for protecting listed buildings, Historic Environment Division, have confirmed that they are content with the scheme and have supported this application.

We would respectfully suggest that this is a highly material consideration for members.

The Addendum Report

The addendum report appears to place great weight on the fact that as the LBC has been approved, this establishes the principle of development for a conversion and extension scheme. However, we feel that Officers are overstating this approval.

The LBC application related only to the sympathetic refurbishment and repairs works within the existing footprint of the building. There was no reference to an extension, and HED have not provided any commentary on the acceptably of an extension to this building. As such, we feel that officers have misinterpreted the approval of the LBC.

As such, we do not believe it is reasonable to rely on that approval as evidence that a substantial extension scheme would be acceptable.

In any event, Policy CTY 3 does not require the building itself be retained as the main residential dwelling, only that it be retained to protect its architectural or historical interest.

Exceptional Circumstances

Our position therefore is that the "exceptional circumstances" test arises primarily in cases involving the loss or demolition of listed buildings, which is not proposed here.

However, even if members were to conclude that the exceptional circumstances test should still apply, we would respectfully submit that there are compelling circumstances in this case.

- The listed structure is being retained in situ,
- its long-term preservation is being secured,
- HED are fully supportive of the proposal, and
- the scheme avoids the level of alteration or extension that would likely be required to make the building suitable for modern family living standards.

Council Precedent - LA07/2022/1331/F – 42 Quarterland Road, Killinchy

Members may also be aware that this is not entirely without precedent. This committee has previously considered an application (LA07/2022/1331/F – 42 Quarterland Road, Killinchy) involving a replacement dwelling alongside the retention of listed dwelling for ancillary use. While every application must be considered on its own merits, it does demonstrate that the principle of replacement of a listed building, alongside its retention is capable of being considered acceptable under Policy CTY3.

Remaining Refusal Reasons

The replacement dwelling has been positioned carefully to retain the mature trees and established landscape features surrounding the site, thereby minimising visual impact and protecting existing biodiversity features.

The site itself is well integrated within the landscape, set back from the public road and screened by mature vegetation and established boundaries.

In addition, the proposal would not create ribbon development or suburban sprawl. The replacement dwelling does not extend development along the road frontage.

Conclusion

Overall, in accordance with Policy CTY3, the proposal retains and preserves the listed building. The application has also received support from Historic Environment Division, balancing both heritage protection and modern residential needs.

We would respectfully submit that, even if members consider the exceptional circumstances test under Policy CTY3 to apply, those circumstances have clearly been demonstrated through the long-term preservation and retention of the historic structure without demolition.

For those reasons, we respectfully ask members to afford significant weight to the retention of the listed building and the support from HED, and to overturn the officer recommendation and approve the application.

Committee Application

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2024/0308/O	**Target Date:**
Proposal: Proposed 2 storey dwelling house with half basement to rear of 8 Hospital Road.	**Location:** TO THE REAR OF 8 HOSPITAL ROAD CARNAGAT NEWRY BT35 8PW
Applicant Name and Address: Joann O'Hanlon 20 Slievenagarragh Hilltown BT34 5BF	**Agent Name and Address:** Michael J Delahunt 4 Elmgrove Rathfriland Road Newry BT34 1GZ
Date of last Neighbour Notification:	18 December 2024
Date of Press Advertisement:	9 October 2024
ES Requested: No	

Consultations:

- *DFI Roads – No objection subject to planning condition*
- *NI Water – Approved with standard planning condition*
- *Historic Environment Division (HED) - (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.*
- *Environmental Health (Newry, Mourne and Down district council) – Have no objections to this proposal*
- *NIEA – WMU – Refer the Planning Authority to DAERA – Standing Advice – Single Dwellings.*

Representations:

No objections or representations have been submitted for consideration.

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Summary of Issues:

Site Visit Report

Site Location Plan:





Date of Site Visit: 19/02/2025

Site Characteristics & Area Characteristics:

The application site is located in an urban area within the settlement development limits of Newry. The site is also located directly adjacent to land zoned for housing (NY 30) as set out within the Banbridge, Newry and Mourne Area Plan 2015.

The site itself is a vacant area of land to the rear of No 8 Hospital Road, Newry. Access to the site is currently afforded through the curtilage of No 8. The application is set on a sloping site which rises sharply from east to west. The surrounding location is characterised by semi-detached and detached dwellings fronting onto the Hospital Road, with Daisy Hill Hospital located within close proximity.





Images taken during site inspection 19/02/2025

Description of Proposal
Proposed 2 storey dwelling house with half basement to rear of 8 Hospital Road.

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan (2015)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- DCAN 5 – Vehicular Access Standards.
- Parking Standards
- PPS 6 – Planning, Archaeology and Built Heritage
- PPS 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 – Housing in Settlements
- Creating Places

Planning History:
Planning Reference: P/1974/0791
Proposal: Proposed Improvements to Dwelling House
Decision: Approved

Planning Reference: P/1977/0352
Proposal: Proposed Site of Confectionary Shop
Decision: Refusal

Consultations:

- DFI Roads – No objection subject to planning condition
- NI Water – Approved with standard planning condition
- Historic Environment Division (HED) - (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Environmental Health (Newry, Mourne and Down district council) – Have no objections to this proposal
- NIEA – WMU – Refer the Planning Authority to DAERA – Standing Advice – Single Dwellings.

Objections & Representations:
Four neighbours were initially notified of the proposal on the 27th of September 2024. These four neighbours were there re-notified on the 4th of December 2024. A further eight neighbours were also initially notified on the 4th of December 2024. The proposal was also initially advertised in the local press on the 30th of April 2024 and the 1st of May 2024 and then re-advertised on the 8th and 9th of October 2024. No objections or representations have been submitted for consideration.

Consideration and Assessment:

Correspondence with Agent / Applicant:
Following a site inspection, review of the case and internal group discussion an email was issued to the Agent on the 20th of March 2025 setting out that the proposal was considered contrary to

PPS 7 and the Addendum to PPS 7. No additional information has been submitted by the Agent for consideration.

Proposal:
The proposal is an outline application for the erection of a detached two-storey dwelling with a half basement to the rear. The Agent / Applicant has indicated on the P1 Form that the External Appearance and Landscaping is to be reserved for subsequent approval and more details plans would be required at reserved matters stage.

The proposed layout is shown below;



Banbridge, Newry and Mourne Area Plan 2015
Section 45 of the Planning Act (NI) 2011requirs the Council to have regard to the Local Development Plan (LDP) so far as material to the application and to any other material considerations. The application site is currently within the settlement limits of Newry as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is un-zoned. There are no specific policies in the Plan that are relevant to this proposal therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement for Northern Ireland (SPPS)
As there are no significant change to the policy requirements for residential development following publication of the SPPS, the retained planning policy is PPS 7, PPS 7 (Addendum), PPS 3, PPS 12 and other relevant guidance. This Policy will be given substantial weight in determining the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 7 – Quality Residential Environments:
Decisions regarding planning applications within settlement limits are assessed against PPS 7. Planning Permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

All proposals for residential development must conform to the criteria noted within Policy QD1 – Quality in New Residential Development:

(a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*

The proposal while outline has submitted a site layout with floor plans and elevations to demonstrate how a dwelling at this location could be accommodated. The plans show a detached two storey split-level building orientated towards the public road and the rear of No 8 Hospital Road. It is noted that there is a mix of development exhibited along the Hospital Road with the immediate area being two-story detached and semi-detached dwellings. As shown in the site location plan these neighbouring properties are set in modest plot sizes. The area is highly residential with houses to the north and south and the 'Stoney Hill' housing development located to the rear of the site which includes semi-detached dwellings and apartment blocks. The proposal seeks to erect a two-storey split level dwelling to the rear of No 8 Hospital Road, the construction will involve the creation of a new driveway to the side and rear of No 8. In order to accommodate the steep slopes on site retaining walls are also proposed to be provided to the new driveway and dwelling house.

It is considered that the proposed dwelling at this location would be inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions. The siting of the proposed dwelling to the rear of No 8 would appear out of place with the pattern of development exhibited along the Hospital Road. Further, the scale of the proposed two-story dwelling is not considered appropriate for the site. In order to accommodate this on the site extensive land reshaping and the use of prominent retaining structures would be required given the topography of the sloping site. These are considered unacceptable as they would be visually intrusive and inappropriate to the character of the area.

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

The application site is located within an archaeological site and monument consultation zone. Following consultation with HED, it has been confirmed that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

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

Creating Places provides a figure that private amenity space for family sized homes should be around 70 sq/m or greater for back garden provision. The site layout plan indicates a level of private open space which exceeds the minimum requirements. Given the scale of the proposed development, there is no requirement for the provision of public open space.

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

Given the nature, location and scale of the proposal, there is no requirement for the applicant to provide local neighbourhood facilities nor will any existing facilities be impacted upon as a result of this development.

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

The site is located within the settlement limit, there are no issues with regards to walking and cycling and provision for public transport is already in place within close proximity, this development will not impact on the existing arrangements.

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

The requirement for adequate provision for parking is also set out in Policy AMP 7 of PPS 3. The site layout plans provided show an attached garage on the ground floor of the proposed dwelling which would provide in curtilage parking for one vehicle. An additional vehicle could also be parked to the front of the property, where there is a level area with sufficient space for access and turning arrangements, this is considered acceptable.

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

As this is an outline application, the design and external appearance of the dwelling would be assessed at Reserved Matters stage.

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

The site does not create conflict with adjacent residential land uses. It is considered that the proposed dwelling on this site would have an unacceptable and adverse effect on the amenity of the existing dwelling No 8 Hospital Road. Given the topography of the site with the land sloping gradually from east to west, any new dwelling located within the application site will sit at a higher level than No 8 and would result in some level of overlooking, particularly over the rear amenity area of No 8. Further, there is the potential for overshadowing/ loss of light from the prominent retaining structures that are required to accommodate a dwelling on the site. The proposed layout would also result in potential traffic disturbance to the neighbouring dwelling No 8, given the shared entrance and how close the proposed driveway is to the rear elevation.

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

The proposal is for a dwelling within a built-up urban area with passive surveillance surrounding the area.

The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity

Policy LC 1 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. This approach, together with existing policy in PPS 7, is supplemented by the provisions of PPS 12 'Housing in Settlements' (published July 2005). Planning Control Principle 1 'Increased Housing Density without Town Cramming' advises that: *'When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents'.*

Policy LC 1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) *the proposed density is not significantly higher than that found in the established residential area;*
(b) *the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
(c) *all dwelling units and apartments are built to a size not less than those set out in Annex A.*

It is not considered that the proposed density would be significantly higher than that found in the surrounding area. However, it is considered that the proposal would appear out of place with the pattern of development exhibited along the Hospital Road. The scale of the proposed two-story dwelling is not considered appropriate for the site and the extensive land reshaping and use of prominent retaining structures are considered to be visually intrusive and out of keeping with the overall character and environmental quality of the established residential area.

The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

PPS 3 – Access, Movement and Parking
Policy AMP 2 - Access to Public Roads
Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

The proposal involves the alteration of an existing access on the Hospital Road. DfI Roads were consulted on this application and have no objections in principle to the proposal subject to conditions and the submission of detailed plans at Reserved Matters stage.

Policy AMP 7 - Car Parking and Servicing Arrangements

Policy AMP 7 of PPS 3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Parking Standards (2005) sets the required amount of parking to be provided for each type of development. In accordance with Table 8 of Parking Standards, a minimum of 2.5 in curtilage parking spaces would be required to serve a 3-bedroom detached dwelling. The indicative plan shows a driveway to the front of the property and an internal garage on the ground floor which would provide in curtilage car parking space along with sufficient access and turning arrangements, this is considered acceptable. DfI Roads were consulted on this application and have no objections.

Provision of services

As indicated on the P1 application form, the proposal seeks to make use of the mains sewage network to treat foul waste. NI Water were consulted on the application and offered no objections subject to standard planning conditions.

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

The application site is within an Archaeological site and monument consultation zone. A consultation was issued to Historic Environment Division (HED) who advised Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 2 – Natural Heritage

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

A completed Biodiversity Checklist was submitted as part of the application. The checklist found that the proposed development would likely have no adverse effect on any biodiversity and natural heritage interests and that no further ecological assessments or surveys were required. Having reviewed the Biodiversity Checklist and undertaken a site inspection the department are satisfied that no further natural heritage assessment is required.

Neighbour Notification Checked **Yes**

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality

Residential Environments' part (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions.

2. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (h) in that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b) as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: K. Reid

Date: 21/10/2025

Appointed Officer Signature: Annamarie Loughan

Date:21/10/2025

Addendum:

This Addendum is supplementary to the above Case Officers Report signed 21st of October 2025. The report for application LA07/2024/0308/O appeared on the weekly list dated the 27th of October 2025 recommended as a refusal. The application was subsequently discussed at call in panel on the 25th of November 2025. The application was deferred to allow for the amendment of the application description to remove the 2-storey element, with subsequent neighbour notifications to be issued to allow for a valid application. With regard to this application, despite having appeared on a weekly list and been recommended, it remains a live application and the Planning Department can assess further.

On the 18th of February 2026 the Agent submitted an amended P1 application form changing the description of the proposal to 'Proposed site for dwelling and carport.'. The Agent also submitted a supporting statement and concept plan for information purposes only.

Objections & Representations:
Twelve neighbours were re-notified of the proposal on the 18th of February 2026 following the submission of new material including an amended description. The proposal was also re-advertised in the local press on the 3rd and 4th of March 2026. No objections or representations have been submitted for consideration.

Consultations:
No further consultations were required.

Consideration and Assessment:

The proposal is an outline application for the erection of a dwelling and carport. The applicant's agent submitted a supporting statement and concept plans for consideration on the 18th of February 2026 which appear to show a dwelling that is split level in design.

Following consideration of the new material submitted the departments opinion remains that a proposed dwelling at this location would be inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions. The siting of the proposed dwelling to the rear of No 8 would appear out of place with the pattern of development exhibited along the Hospital Road. Further, whilst the agent has set out in the supporting statement that *'Constructing a car port essentially masks the retaining structure that would otherwise have been required along the western part of the parking area'* the department consider that in order to accommodate any dwelling on the proposed site extensive land reshaping and the use of prominent retaining structures would still be required given the topography of the sloping site. These are considered unacceptable as they would be visually intrusive and inappropriate to the character of the area.

The departments concerns also remain in that it is considered that a proposed dwelling on this site would have an unacceptable and adverse effect on the amenity of the existing dwelling No 8 Hospital Road. Given the topography of the site with the land sloping gradually from east to west, any new dwelling located within the application site will sit at a higher level than No 8 and would result in some level of overlooking, particularly over the rear amenity area of No 8. Further, whilst this is an outline application the most recent indicative plans submitted include a car port located close to the rear of No 8 which has the potential for overshadowing/ loss of light. The indicative layout would also result in potential traffic disturbance to the neighbouring dwelling No 8, given the shared entrance and proximity of the driveway and carport to the rear elevation.

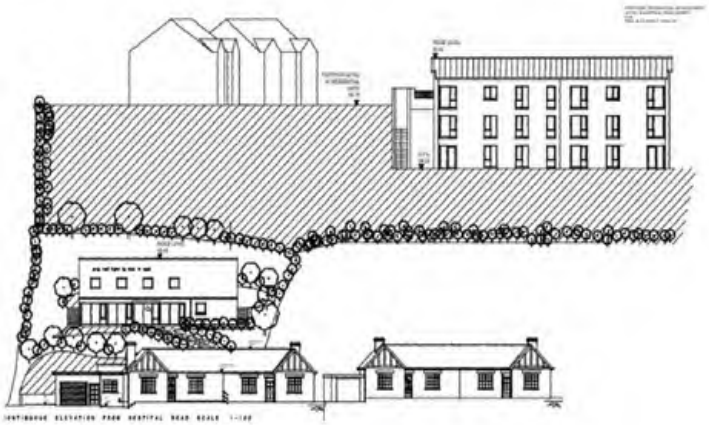


Figure 1 Contiguous Elevation from Hospital Road

Having assessed the amendments to the proposal against relevant policy I am satisfied that the recommendation of a refusal remains unchanged. The proposal remains contrary to Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) & (h) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b).

Reasons for Refusal:

1.The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions.

2.The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (h) in that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b) as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: K Reid

Date: 18/03/2026

Appointed Officer Signature: Annamarie Loughan

Date:19/03/2026

1) This site lies within the settlement limit for Newry, within which there is a presumption in favour of new residential development. This presumption applies, provided a proposal will not result in demonstrable harm to local character, environmental quality or neighbouring residents' amenity. We believe this proposal is compliant in all these respects.
2) The site lies in a built up urban area. It is not in an area of special townscape character or a Conservation Area. There are no listed buildings within the site's environs.
3) Boundaries are established and there is a well vegetated backdrop to the site, none of which will be compromised to secure this development.
4) Overarching policy advocates increasing urban density in areas like this, which are close to city centres and are highly accessible on foot or by public transport.
5) Although the ground is rising, there is a multi-storey and multi-unit apartment development above the site. That development features prominently above this western part of Newry. The site lies comfortably below that site, and will be framed by a backdrop of mature vegetation, ensuring that any development on this site is not prominent in this locality.
6) Although the field rises above the applicant's house, the site is large enough to ensure that a dwelling could be set back far enough to avoid overlooking the existing house.
7) The applicant seeks outline planning permission only. That means that matters of siting, design, external appearance, access and landscaping will all be reserved for future approval.
8) The applicant is entirely open-minded in terms of how the house could be designed.
9) The first refusal reason suggests *that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions*. In reality however the site is larger than all of the adjacent plots on this part of the Hospital Road frontage.
10) There is nothing to suggest that the site layout is inappropriate, since full or final plans have not been put forward for consideration. Indicative sketches have been submitted, for information purposes only. This shows a single dwelling in the middle of the site. It could easily have been pushed back on the site. The indicative layout provided shows that the site will not be over developed. It will not be dominated by masses of hard standing, or by prominent retaining walls. It has avoided the need for these, by relying upon an innovative split-level design.
11) It is unclear where the concerns in relation to scale and proportions arise from, since the final design, siting or site layout have not been settled upon. But the site is large enough to allow for even a generously-sized house without being dominant or overbearing.
12) It is suggested that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing. We disagree with this analysis for a number of reasons. Firstly, the house that will purportedly be impacted upon is owned by the applicant. Refusing permission on this basis would be akin to refusing an application for a wind turbine on noise grounds, when it is an applicant's own property that will be impacted. In any case, the site is elevated, meaning that views outwards from the new house would likely be over the roof of the applicant's existing house below. Additionally, there is an abundance of space to allow for the introduction of planting, between the two houses. This would further reduce the potential for overlooking.
13) It is suggested that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area. It is assumed that this is because there are no other plots along this frontage that have "backland development". But

there is a very valid reason for this: this is the longest plot on this frontage. The boundaries all narrow significantly as you travel further up Hospital Road. None of the other plots have the same potential to secure a separate access to the rear lands either. It must also be remembered that the site is not in an area of distinct townscape character.

14) The mere fact that this proposal would be the first new dwelling along this short stretch of Hospital Road is not sufficient to make the proposal disrespectful of the character of the area (criterion a of Policy QD 1) or disrespectful of the pattern of development (criterion b of Policy LC 1). There will be no impact upon environmental quality or local character (the main requirements of Policy QD 1).

15) Whereas it is suggested the pattern of development does not respect that of the surrounding area, the site's immediate context is dominated by a large multi-unit apartment block immediately above it. That is a landmark building in the local area, and the proposal is more than respectful in relation to this.

16) The applicant's concept anticipated a car port to the rear of the applicant's existing house. This would be a less expensive solution than a garage. It would also help buffer the space between the existing and the new dwellings. It would actually enhance privacy and it would also mask some of the sub-structure / under build to the new dwelling. This was an entirely conceptual idea. It was not and is not set in stone. It was contemplated because it could have been sited behind a part of the existing dwelling that has no windows. As there are no windows to that part of the existing house, the proposal would not have resulted in any perception of dominance, and it could not have resulted in overlooking. Officers have two concerns in this respect however: Impact on the area's character; and 2) Impact on No. 8.

17) In reality however, the visual impact of the car port will be masked by No. 8, ensuring this aspect of the development will not be visible from the surrounding area. If it is not visible or is of low visibility, it cannot affect the area's character. In relation to the impact on No. 8, officers suggest it will result in dominance and overshadowing, but there are in fact no windows to the rear of that part of No. 8. The proposal is therefore incapable of generating the effects that are set out in the refusal reasons, and these aspects of Policy QD 1 are not truly offended.

18) Overlooking can also be avoided by taking basic steps such as ensuring that opposing windows do not directly face towards each other. That, and siting, could easily be secured through the imposition of a planning condition.

19) To summarise, the proposal is said to be inappropriate in terms of plot size, layout, scale and proportions. But officers hold no concerns in relation to the density of the proposal and the site is actually larger than the plots below, offering an opportunity for new planting and landscaping and a generous buffer between the proposal and the applicant's house (No. 8). Concerns regarding the layout of the site, the scale of the dwelling and its proportions are all moot points, as the Committee will see (because this is an outline planning application and siting, design, external appearance, access and landscaping are all "reserved matters" that are not typically assessed at outline planning stage).

20) We have received a very similar approval at Chapel Street on the other side of Newry's basin - LA07/2023/3241/F. In the interests of consistency, we ask for a common approach to be taken when dealing with development on sloping sides. Given that Newry is sited in a basin, it is to be expected that development will have to occur on difficult sites but this site is not unsuitable and the proposal has the potential to be fully sensitive to the site and the locality.

Application

Development Management Officer Report		
Case Officer: Wayne Donaldson		
Application ID: LA07/2024/0050/F		**Target Date:**
Proposal: Proposed off-site replacement dwelling and detached garage to include the retention and preservation of the existing building to be used for ancillary storage.		**Location:** Adjacent to and south of 12 Belmont Crescent Forkhill Road Mullaghbawn BT35 9RB
Applicant Name and Address: LAURENCE TIERNAN C/O 28 FOREST ROAD LONGFIELD FORKHILL BT35 9SA		**Agent Name and Address:** Bernard Dinsmore 19 Spring Meadows Warrenpoint BT34 3SU
Date of last Neighbour Notification:		9 April 2024
Date of Press Advertisement:		6 August 2025
EIA Determination:		
Letters of Support	0.0	
Letters of Objection	0.0	
Petitions	0.0	
Signatures	0.0	
Number of Petitions of Objection and signatures	0.0	
Summary of Issues: The application will be considered against relevant policy and any material considerations.		

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The application site is located just outside the settlement limit of Mullaghbawn as defined within the Banbridge / Newry and Mourne Area Plan 2015; the site is within an Area of Outstanding Natural Beauty.

The application site extends from the public road and includes a large area of agricultural land which rises to the west, the site also includes a further area extending to the south where an old derelict building is located.



The above image shows the run-down property which has external walls intact along with a few door and window openings, vegetation is currently growing within the structure.

As outlined the site is located just outside the settlement limits of Mullaghbawn, as such the site sits adjacent to dwellings both inside an urban setting and other properties located in the rural area.

Description of Proposal
Proposed off-site replacement dwelling and detached garage to include the retention and preservation of the existing building to be used for ancillary storage.

Planning Assessment of Policy and Other Material Considerations

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Building on Tradition
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 15 – Planning and Flood Risk

PLANNING HISTORY
No relevant planning history on application site.

CONSULTATIONS
DFI Roads – The latest response states there are no objections subject to conditions.

NI Water – No objections raised.

NIEA (WMU) – Generic response.

Environmental Health – No objections.

HED
Historic Monuments – No objections
Historic Buildings – Comments provided with regards the existing building to be retained.

REPRESENTATIONS
The application was advertised on 07/02/2024 and again on 06/08/2025, seven (7) neighbours were notified on 24/03/2024 and 23/07/2025, no representations have been received.

EVALUATION

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

Planning Policy Statement 21 – Sustainable Development in the Countryside
Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Principle of Development
Policy CTY3 states that for planning permission to be granted where the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantial intact. Policy also states that buildings of a temporary construction will not be eligible for replacement under policy CTY3.

Having inspected the site I am content that the building exhibits the essential characteristics of a dwelling given its appearance which includes window and door openings and the general appearance of an old derelict dwelling.
The principle of development is considered acceptable with the building to be replaced seen as a replacement opportunity.
In addition to the above further guidance is set out within CTY 3 upon which all replacement cases should comply with.

Officers consider the dwelling to be replaced above, exhibits the characteristics of a non-listed vernacular dwelling. In determining so, officers consulted with Historic Environment Division : Historic Buildings to obtain their expert view. HED have advised,

“we note that the gate lodge appears on the OSNI Historical Map 1st Edition 1831-1846 as the gate lodge to the Glebe Rectory, which was demolished prior to 1916, and may be of local interest under BH15 PPS6. We would welcome the retention and reuse of a vernacular building as part of the proposal, perhaps as an outbuilding or other non-residential use”.

the response does not confirm that the building is a non-listed vernacular dwelling and states that it may be of local interest. It is considered that given the run down nature of

the building and its location the building offers very little by way of an important contribution to the character of the area.

Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

The Planning Department have advised the agent that given the run-down nature of the existing building is would prefer its removal, the agent has stated they wish for it to be retained and they consider it in line with policy requirements.

A drawing has been submitted to show the existing structure converted to become a store and hobby room. Policy states that the retention of structures will be accepted where it is sympathetically incorporated into the layout o the overall scheme to form an integrated building group.



The above drawing shows the submitted site layout, the structure to be retained sits approximately 126 metres from the proposed dwelling. It is considered that given the separation distance it has not been shown that the existing structure is to be sympathetically incorporated into the layout of the overall development scheme to form an integrated building group. To simply indicate that the structure is to be used for a domestic store is not sufficient to show it is sympathetically incorporated into the scheme. The large separation distance results in the structure to be retained sitting as a separate entity and not being part of an integrated building group. As such the retention of the building is not seen to meet this area of policy.

CTY 3 also requires proposal to comply with the following

The proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The dwelling to be replaced has no defined curtilage however it does have open agricultural land to the west. The agent was advised that the off-site nature of the proposal was not considered acceptable, their response outlines that they consider the proposed siting to be the best option as any other location would lead to backland development.

The Planning Department acknowledge that the existing building does not have a defined curtilage but consider that a position adjacent to the existing building would allow an acceptable level of curtilage to be provided. The agent has provided very limited information with regards to the off-site location and the creation of such a large curtilage as shown within the submitted red line.

It is considered that the off-site location in excess of 120 metres from the structure to be submitted is unacceptable and it has not been demonstrated that the proposed location would result in demonstrable landscape, heritage, access or amenity benefits. The Planning Department maintain that more acceptable alternatives exist.

The proposal is considered contrary to this policy requirement.

• the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

It is considered that the modest dwelling proposed will integrate into the surrounding landscape given existing vegetation providing screening, the proposed dwelling will not have a visual impact significantly greater than the existing building.

• the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

The proposed dwelling which is single storey in appearance although includes first floor living space, the design is rural in its appearance and similar to other properties in the area. The proposed dwelling is seen to be appropriate in this case.

• all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.

All necessary services can be accommodated at the site and already exist in the area, therefore the provision of these will not have a significant adverse impact on the environment or on the character of the locality.

• access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads are satisfied that the proposed access arrangement is acceptable and will not prejudice road safety.

For the reasons outlined above the proposal is seen as contrary to CTY 3 Replacement Dwellings.

Policy CTY 8 – Ribbon Development
Policy states that planning permission will be refused for a building which creates or adds to a ribbon of development.

The proposal will see the creation of a formal entrance onto the public road with the property visible when viewed from the public road. A number of properties already sit on the road edge to the south east of the proposed dwelling, it is considered that the proposed dwelling will read with these properties and will further add to ribbon development along this area of the public road.

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

It is considered that the proposed development is not unduly prominent given some existing vegetation screening which will aid integration. The proposed design is seen as acceptable and in line with advice contained within Building on Tradition.

Overall, therefore the proposal is considered to be compliant with the requirements of CTY 13.

CTY14
Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

A new building will be unacceptable where
(A) It is unduly prominent in the landscape; or
(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
(C) It does not respect the traditional pattern of settlement exhibited in that area; or
(D) It creates or adds to a ribbon of development; or

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

As previously stated the proposal will not be unduly prominent however given the number of surrounding properties both along the public road in the rural area and within the settlement limits the proposal will result in a suburban style build-up of development.

The area does not have a defined pattern of settlement although as previously detailed the proposal will add to a ribbon of development along the public road. Ancillary works with the exception of visibility splays will have limited impact on the area.

For the reasons outlined above the proposal is considered contrary to policy and will result in a detrimental change to and further erode the rural character of the area.

Policy CTY 15 – The Setting of Settlements
Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

The application site sits between the rural countryside and urban settlement limits, the proposed development will result in the removal of any separation and any distinction between the rural and urban setting which will lead to urban sprawl.

CTY 16
Any approval notice should contain a negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

Amenity
The site is in close proximity to other properties however given separation distances and design it is considered that the proposal will not unduly impact on the amenity of surrounding properties.

PPS2 Natural Heritage
As part of the application the agent submitted a Biodiversity Checklist. The information submitted raised no concerns with the potential to impact on biodiversity, the submission stated that if the existing building was to be retained no then bat survey would be required.
It is considered that the proposal is in line with Policy NH 2 - Species Protected by Law and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance of PPS2. The proposal will see some existing vegetation retained along with new vegetation, this will add to habitats and aid biodiversity in the area.

Policy NH6 is applicable due to the location within an AONB, it is considered that the proposed development will not detrimentally impact on the AONB given limited views due to its position and existing screening, also the scale and design of the proposed

dwelling ensures no detrimental impact on the AONB. The proposal is considered to be in general compliance with Policy NH6.

An EIA determination was carried out for the proposal, an Environmental Statement is not considered necessary.

All information submitted has been duly considered throughout the assessment and processing of this application

Neighbour Notification Checked Yes

Summary of Recommendation
The proposal is considered to fail a number of policy criteria as detailed in the above report.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 Development in the Countryside of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 Replacement Dwellings of PPS 21, Sustainable Development in the Countryside in that, the existing structure to be retained is not sympathetically incorporated into the layout of the overall development scheme and it has not been demonstrated that the proposed off-site location of the replacement dwelling would result in landscape, heritage or access benefits.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 Ribbon Development of Planning Policy Statement 21, Sustainable Development in the Countryside in that, if permitted, it would add to ribbon development along Church Road / Forkhill Road and does not represent an exception to policy

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 Rural Character of Planning Policy Statement 21, Sustainable Development in the Countryside in that it results in a suburban style build-up of development when viewed with existing and approved buildings and it adds to a ribbon of development along Church Road / Forkhill Road.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 15 The Setting of Settlements of Planning Policy Statement 21, Sustainable Development in the Countryside in that: in that the proposed development will mar the distinction between a settlement and the surrounding countryside and result in urban sprawl.
Case Officer Signature: Wayne Donaldson **Date: 20/03/2026**
Appointed Officer Signature: Annamarie Loughan **Date:23 March 2026**

bernard dinsmore
chartered architect

Representation against Decision to Refuse

Application reference:	LA07/2024/0050/F
Applicant:	L Tiernan
Site Location:	Site adjacent to and south of 12 Belmont Crescent Forkhill Road Mullaghbawn BT35 9RB
Proposal:	Proposed off-site replacement dwelling and detached garage to include the retention and preservation of the existing building to be used for ancillary storage
Neighbour Notifications:	No objections
Statutory Consultations:	No objections

Planning Services accept the principle of development in as much as the dwelling to be replaced, (a former gate lodge), exhibits the characteristics of a non-listed vernacular dwelling.

Under CTY 3 Planning Services are content that the size and design, together with services and access to the proposal are acceptable. Their concern is the separation distance between existing and proposed. If the existing dwelling were demolished the issue of sympathetic incorporation would not exist. The applicant also wishes to retain it. Also, given that the application is for 'off-site' replacement, sympathetic incorporation is somewhat impractical. The location of the proposed dwelling has been carefully chosen to avoid back land development. It also utilizes an existing access from public road Fig 1. (there is no access available near the existing dwelling due to reconfiguration of public road) Fig 2. New boundaries will be heavily landscaped to ensure demonstratable landscape, heritage, access and amenity benefits. B The proposal complies with CTY 3.

Under CTY 8 it could be argued that the proposed site meets the exception test in as much as it reads from the public road as a small gap site with existing entrance CTY 8 is not offended. Also, the proposal will be read with existing development on Forkhill Road, Mullaghbawn and will not cause a detrimental change to or further erode the character of the area. The entrance is in place and requires minor alteration and framed by mature indigenous hedgerow which will be largely left unaltered. CTY14 is not offended.

Finally, under CTY15 the Planning Department have dismissed the principle of rounding off and consolidation of the settlement of Mullaghbawn. The aims of the SPPS in regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from Inappropriate development, while supporting and sustaining rural communities consistent with the RDS. We believe this application complies with both the Strategic Planning Policy for Northern Ireland and with the Rural Development Strategy.

Both the Planning Department and the Planning Committee have in the recent past approved applications involving rounding off Development Zones and on occasion slight extensions to such zones where it can be shown that it is not detrimental to the area.
For example:
LA07/2021/1206/F (Ballynamadda Road, Dromintee, Co. Armagh)
LA07/2019/1460/O, LA07/2020/0942/F (Lower Foughill Road, Jonesborough)
LA07/2019/1069/O, LA07/2022/0535/F (Quarter Road, Glassdrumman, Annalong)
In each case the Development Management Officer Report accepted that the proposal was sympathetic and was not detrimental to nor further eroded the rural character even though the site adjoined the Settlement Limit. This application is such a case in my view and does not offend CTY 15.

In summary, I believe I have demonstrated that this application satisfies the five reasons given for recommendation to refuse and request that the Planning Committee overturn the recommendation.



FIG. 1

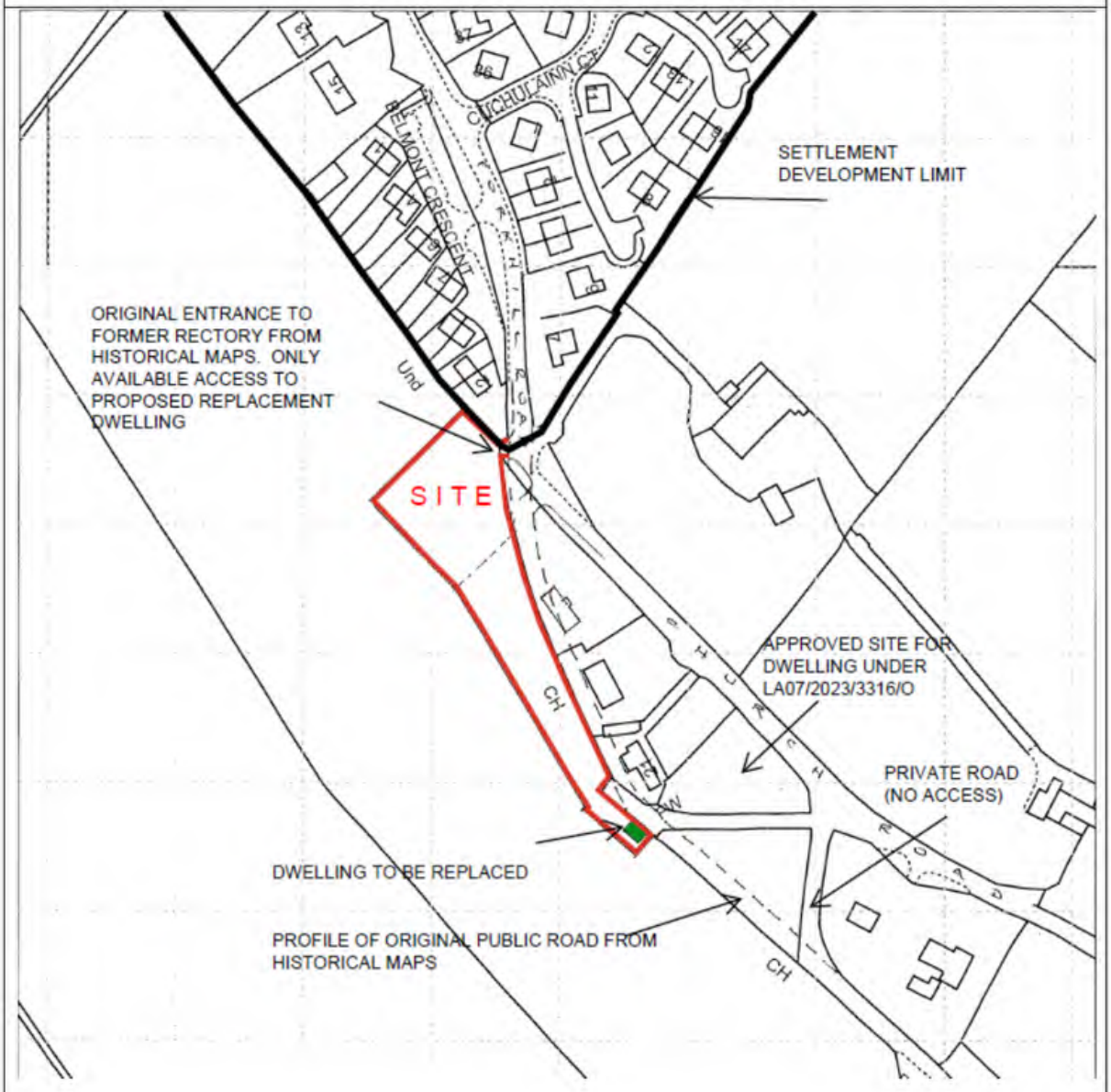


Fig. 2

BD 20/05/2026

Delegated Application

Development Management Officer Report	
Case Officer: Fiona McDonnell	
Application ID: LA07/2024/0097/F	
Proposal: Proposed replacement dwelling & garage with existing dwelling to be retained for agricultural storage	**Location:** 70m SW of 11 Coalpit Road Newry BT34 2RQ
Applicant Name and Address: James & Laura Deane 8A Coalpit Road Newry BT34 2RQ	**Agent Name and Address:** Mark Tumilty 16 Glenvale Road NEWRY BT34 2JX
Date of last Neighbour Notification:	14 May 2024
Date of Press Advertisement:	14 February 2024
EIA Determination: The site is not located in a sensitive area, nor does it meet any criteria that requires Environmental Impact Assessment (EIA) screening to be undertaken.	
Consultations: **DFI Roads-** No objections **NI Water-** No objections **NIEA-** No concern in relation to Natural Hertitage	
Representations: The proposal was advertised in the Newry Reporter, and 2no. neighbouring properties received letters of notification. No representations were received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	None
Summary of Issues: Does the proposal conform policies CTY1 & CTY3 of PPS21 Sustainable development in the Countryside; and all other all relevant planning policy.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 18th February 2025

Characteristics of the Site and Area

The site outlined in red extends to include the existing building group, including subject building and the adjoining agricultural field to the south.

The subject building to be replaced is centrally position with disused outbuildings to either side and rear. These buildings are immediately adjacent to and open directly onto the road. The subject building is sited to front the road, is single storey, with a small porch and chimney. The roof of the main body of the building is also intact, with a portion to the side absent. The building is boarded up and appears to have been vacant for some time.

The adjoining field which also forms part of the application also comprises a roadside plot. This field is completely sectioned off and separate from the group of buildings.

The site is located in the countryside, the local area is rural in character, primarily characterised by fields with several dwellings also located close by.

Description of Proposal

Full permission is sought for a replacement dwelling & garage with existing dwelling to be retained for agricultural storage.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

No relevant planning history

SUPPORTING DOCUMENTS

Biodiversity checklist & extended ecological survey

Bat Survey

Health, Safety and Welfare Review (Nov 2025)

CONSULTATIONS
DFI Roads – No objections to the proposal
NIW- approve with standard conditions
NIEA NED – No concerns, informatives included.
Environmental Health- no objection subject to conditions

REPRESENTATIONS
The proposal was advertised in the Newry Reporter; and 2 no. neighbouring properties were sent letters of notification.
No representations either in support or objecting to the proposal have been received to date (17-04-26).

PLANNING POLICY
Habitat Regulations Assessment (HRA)
The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) as the site is within the Carlingford Lough catchment area. It is considered that the proposal is in a location whereby it would not have any likely significant effect on the features of any European Site.

Strategic Planning Policy Statement
The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged. A transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e., where there is a change in policy direction, clarification or conflict with the existing polices then the SPPS should be afforded greater weight. However, were the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. There is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and as it is arguably less prescriptive, the retained policies of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Environmental Impact Assessment (EIA)
The application is not within the AONB and does not meet criteria set out in either schedule 1 or 2 of the EIA regulations 2017, so screening for EIA is not considered necessary.

Planning Act (Northern Ireland) 2011 & Banbridge, Newry and Mourne Area Plan 2015
Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located on unzoned lands within the countryside. There are no specific policies that directly apply to this proposal

Other Planning Policy Considerations
Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 21 – Sustainable Development in the Countryside
Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
Planning Policy Statement 2: Natural Heritage
Banbridge / Newry and Mourne Area Plan 2015
Building on Tradition
Parking Standards

EVALUATION (Image of Subject structure below)



Principle

PPS 21 – Sustainable Development in the Countryside
PPS 21 Sustainable Development in the Countryside is the relevant planning policy in determining the principle of development for this proposal. Policy CTY 1 gives a number of opportunities for housing development in the countryside. One such opportunity is for the replacement dwelling in accordance with Policy CTY 3.

CTY 3- Replacement Dwellings
Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and, as a

minimum, all external structural walls are substantially intact. For the purposes of this policy, references to "dwellings" include buildings previously used as dwellings.

In this case, the subject building is considered to exhibit the essential characteristics of a dwelling in this regard with porched entrance, domestic scale and sized window and door openings, chimney and fireplace with slate roof.
On this basis it is considered the proposals meet this initial policy test regards the principle of replacement. However this is only 1 aspect of the policy.

Policy CTY 3 also provides criteria for instances where a non-listed vernacular building is present however, it is considered this aspect of the policy is not applicable in this instance, having account the design, form and condition of that existing, notwithstanding its roadside location and grouping. In this regard, the building should be demolished. This is discussed further below.
The policy goes on to state that proposals for a replacement dwelling will only be permitted where the following 5 additional criteria are met.

The proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either
(a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or
(b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;'

In assessment of this criterion, it is noted that the site outlined in red only extends around the subject building and the adjoining field, whereby it is proposed to erect the replacement dwelling in the adjoining field, while also retaining the existing building for agricultural storage.

This reduced and specific red line has therefore omitted the lands behind the subject building, which are outlined in blue, whereby it is considered there are sufficient lands between the red and blue lands outlined to accommodate an on-site replacement dwelling, with the removal of the existing structure.
It is noted the subject building is adjoined by outbuildings to either side and rear, however the area including the subject building and lands immediately to the rear are considered sufficient size to accommodate a modest sized replacement, whereby these outbuildings can be incorporated into the redevelopment scheme.
The curtilage and area immediately adjoining the subject building to the rear are not considered to be so restricted, rather a restricted red line has been submitted.
In this regard it is considered the proposals as presented are contrary to PPS3.

This existing structure has previously been deemed not to be vernacular thus is not worthy of retention. It should therefore be demolished.
Notwithstanding, its position relative to the siting of the proposed replacement and associated proposed new curtilage are such that it cannot be considered to be sympathetically incorporated into the layout of the redevelopment scheme as it is entirely detached, divorced and separate, does not form part of the new curtilage, and with a boundary hedgerow to be formed.
This is considered to be contrary to this entire policy aspect.

It is considered there are no demonstrable landscape, heritage or access benefits to justify the proposed off-site location.

The siting proposed, in the adjoining field extends the extent of built form along the road, thereby extending the ribbon of development.

It is proposed to retain and alter the existing building. This building is not listed and is not deemed to be vernacular in appearance thus should be removed and the new dwelling sited in its place. This existing structure does not make an important contribution to the heritage, appearance or character of the area and is not incorporated into the layout of the redevelopment scheme, lying outside the curtilage of the new dwelling. A safe access is also possible using the existing siting.

The proposals are therefore considered to be contrary to the provisions and requirements of CTY3.

As advised it is proposed to retain the existing building as agricultural storage (with modifications).
The agent has advised that the existing dwelling to be replaced is located within an active farmyard. He has submitted a health, safety and welfare review of the site that concludes amenity would not be acceptable if refurbishment of the existing dwelling was undertaken.

The Health, Safety and Welfare Review (Nov 2025) document prepared by Redvale Consultancy LTD sets out that hazards associated with agricultural work exist within the farmyard which if not managed correctly, could result in serious injury and/or long-term damage to health for those exposed to such hazards (list provided).
On an active farm, those at risk of injury, include farm workers, visitors such as vets, delivery drivers, and others such as family members. Children are particularly vulnerable due to their inexperience and the danger of working or playing.
Aside from the health and safety review that was not requested by Council planners, the agent has submitted no evidence to prove that the dwelling to be replaced is sited within an active farm.
The agent has been asked to submit evidence in this regard, however no information or evidence has been advanced. The H&S document while noted, is therefore afforded limited weight.
Accordingly, on the basis of the information submitted, it is difficult to ascertain how amenity issues would arise. It has therefore not been demonstrated there are demonstrable amenity benefits in providing an off-site location.

The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;'
The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness,
All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;'
'Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;'

Notwithstanding the fundamental issues outlined above, the house type proposed including its size, scale design, proportions, finishes and layout are considered modest, sympathetic and appropriate to this rural setting. The levels will respect existing, with natural appropriate planting and a modest access proposed. A new access is proposed directly onto Coalpit Rd with visibility splays with new boundary planting.
The proposals are not considered to offend these aspects of policy.

Notwithstanding the principle of development under policy CTY3, ALL proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.

The siting and curtilage indicated, comprises a portion of a field, which together with the access requirements, will require the creation and formation of 3 new boundaries.
The development will therefore primarily rely on this new planting to achieve integration.
The site comprises a roadside plot, although the lands are relatively low lying, whereby it is considered the development of a modest sized bungalow in itself would not create an unduly prominent feature in the landscape. The size, design, finishes, proportions and appearance of the dwelling and garage are considered appropriate for this rural siting and align with the guidance set out in Building on Tradition guide, however, the siting will add to the existing ribbon of development and will result in a suburban styled build up of development when viewed with the existing buildings adjacent.
The proposals are therefore considered contrary to Policies CTY13 & CTY14.

Further to the proposal failing CTY1, 3, 13 & 14- the proposal is contrary to policy CTY8 as it will add to a ribbon of development.

It is noted the dwelling will connect to the mains, surface water will be disposed off to soak-aways while foul sewage will be disposed off via a package treatment plant. The site outlined in red together with the lands within the control/ownership of the applicant are deemed sufficient to accommodate such plant and associated soak-aways, whereby there was no evidence the ground conditions could not support such plant. Accordingly, it is considered the proposals do not offend the provisions of policy CTY16.

PPS2/Impact on biodiversity
PPS 2 sets out the Department's planning policies for the conservation, protection and enhancement of our natural heritage. The site is not in close proximity to adjacent designated sites.
The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development are not considered to be an issue.
The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.
Policies NH 1, 3 and 4 are not affected by the proposal and the application site is not within an Area of Outstanding Natural Beauty, therefore NH 6 does not apply. Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.
The lands outlined in red include the subject building and portion of adjoining field. The subject building is to be retained but modified while the proposal will result in the loss of roadside planting to provide the access.

The application is supported by a biodiversity checklist with extended ecological statement completed by a competent ecologist.

The ecologist walked over of the site and observed that there was potential for bats to be roosting in the dwelling to be replaced and other outbuildings nearby. It was recommended that bat emergence surveys should be undertaken, and this survey work was undertaken on 2 evenings in May and June 2025. Results indicate that the dwelling to be replaced was not a bat roost, but long ear bats were seen to emerge from agricultural building north of the dwelling, and a roost for common pipistrelle in an agricultural building to the south of the dwelling.
The ecologist confirmed that no other signs of protected species were observed in or around the site. He was content that the development would not cause detrimental impacts on any priority habitats.
Recommended mitigation includes erecting 2 bat boxes (and a bird nest box in a belt and braces approach) at a height of 5m in an area close to vegetation and not near any artificial lighting if approval is recommended. As the principle of development is not acceptable these conditions are not appropriate. If the applicant decided to apply for an onsite replacement conditions would be relevant.
The proposals will also result in the loss of the roadside planting to provide a new access with associated splays. The supporting information submitted has been reviewed and acknowledged. New boundary planting is proposed which will compensate for that lost to provide the access thus ensuring a suitable environment for natural habitat to survive.
Having account the above it is considered the proposals do not offend the provisions of PPS2.

Flood risk and Drainage
Flood maps have been checked, and the site is not in the floodplain. There is no evidence of historical flooding or surface water ponding onsite.
It is proposed that surface water would drain to a soakaway and that a package treatment plan would treat foul waste prior to discharging into a soakaway. NIEA Water Management Unit and NIW were both consulted and did not object to the proposal. They put forward conditions should permission be granted.

Amenity
It is considered the siting of the dwelling together with its size, and the topography of the lands together with the separation distance from any adjoining property is such that no unacceptable impact or loss of residential amenity will result in terms of overlooking, overshadowing, dominance, loss of light or amenity.

Neighbour Notification Checked Yes

Summary of Recommendation:
The principle of a proposed off site replacement cannot be justified at this location, the proposed development is contrary to countryside policies CTY1, 3, 8, 13 & 14.

Reasons for Refusal:

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

2.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland

and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the offsite location proposed would result in landscape, heritage, access or amenity benefits.

3.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, would add to a ribbon of development and does not represent an exception to policy.

4.The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY13 &14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- it relies primarily on the use of new landscaping for integration;
- the development results in a suburban style build up of development when viewed with existing buildings, and
- the development adds to a ribbon of development.

Case Officer Signature: F McDonnell

Date: 17 April 2026

Appointed Officer Signature: M Keane

Date: 17-04-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

_____

_____

Date _____

TUMILTY DESIGN

Committee Meeting Written Submission

Planning Ref Number LA07/2024/0097/F

Our Ref Number 23/33

Re: Proposed Replacement dwelling and garage with existing dwelling to be retained for Agricultural storage 70m South West of No. 11 Coalpit Road, Newry BT34 2RQ

Hello Chairman & Councillors,

I wish to thank you for allowing this application to proceed to the Planning Committee. It is important that the Applicants gets a fair chance to put forward their arguments.

We applied for a replacement dwelling 70m SW of No. 11 Coalpit Road, Saval, Newry – **Photo 1** shows the dwelling to be replaced which the planners agree that it shows all the essential characteristics of a dwelling, which meets the initial policy test regards the principle of replacement.

Photo 2 is the house type submitted to the Planning Department, the proposed dwelling is of modest size and scale and integrates with the surrounding landscape as shown in the proposed site plan and this has been agreed by Planning officer in their report.

Photo 3 shows the proposed site layout plan. The proposed dwelling is to be an offsite replacement and garage in addition to retaining the existing dwelling as a store. The planner has stated in their report that the off site would add to ribbon development and would be contrary to Policy CTY8 of PPS21.

It should be noted that the dwelling to be replaced is located within an active farmyard. We have had a health & safety report carried out by Redvale Consultancy ltd, which states, to build a new dwelling in an active farmyard would be against all aspects of the Health, Safety & Welfare Law.

They state '*All sheds, animal enclosures and machinery access points occupy the same area as the former dwelling with no space for effective segregation between agricultural activities and those of any proposed domestic premises. Given this and the existence of known hazards within the farm yard as stated above, the persistently high incidence of serious accidents in farming in Northern Ireland and the potential introduction of new groups of vulnerable people into a hazardous environment, along with the indefinite exposure to risk throughout the life of the dwelling and the farm, it is considered highly likely that the introduction of a new dwelling into the farm yard would significantly increase the risk of harm or injury to people as a result of exposure to any of the hazards present.*'

There are many examples of off-site replacement approvals within our council area.
One for example, LA07/2025/0577/F which is **Photo 4**. This shows the approved Site plan which was approved as an offsite replacement which was adjacent to a group of buildings creating a line similar to our site. This was approved with no issues raised by Planners.

Another example of a similar type of application that has recently been approved is LA07/2023/3153/F. **Photo 5** shows the approved site plan. This application was initially recommended for a refusal by planners but went to committee in June 2025 and the decision was overturned by the Councillors.

Conclusion

Both of these applications mentioned are similar to our proposal; we feel that our application should be shown the same Council standards as were shown to these applications.

This application is not an exceptional case as the proposal is for an offsite replacement and retention of the replacement dwelling, we feel this is the best solution for our site and in doing so will safeguard our clients farm business with the farm yard/holding being left as is, with the replacement dwelling now serving as an agricultural store.

Just to confirm, the Planning Officers report also stated that

'The size, design, finishes, proportions and appearance of the dwelling and garage are considered appropriate for this rural siting and align with the guidance set out in Building on Tradition guide.'

We hope that you have found this PowerPoint and information useful.

Mark Tumilty M.C.I.A.T.
Member of Chartered Institute of Architectural Consultants

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING – 20 AUGUST 2025					
LA07/2023/2331/F	66 Moss Road, Glassdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	**Withdrawn by the Planning Dept**	B Ferguson	**Deferred for further consideration**	N
PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2025					
LA07/2023/2230/O	55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU – Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works	**Deferred to allow for submission of Listed Building consent application**	B Ferguson	**LBC submitted, under consideration. Tabled at 27 May 2026 Committee**	Y
PLANNING COMMITTEE MEETING – 25 FEBRUARY 2026					
LA07/2024/0462/O	Adj to and 20m NE of 137 Tullybrannigan Road, Newcastle - Infill Dwelling and Garage	**Deferred**	B Ferguson	**Site visit 22/04/26**	Y
LA07/2025/0378/F	26 Lisburn Street, Electrotech, Ballynahinch - Change of use from commercial shop unit to 2-bedroom dwelling house	**Deferred**	B Ferguson	**Site visit to be arranged**	N
PLANNING COMMITTEE MEETING – 25 MARCH 2026					
LA07/2022/0939/F -	180m north west of 22 Ringhaddy Road, Killinchy - Replacement boat house ancillary to existing camping tourism development to facilitate water sports	**Deferred at request of planning department to allow for further consideration.**	B Ferguson	**Add info to be submitted from agent**	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING – 22 APRIL 2026					
LA07/2024/ 0749/O -	Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR - Section 54 application for non-compliance with condition No. 9,Social Housing Provision, of Planning Approval LA07/2021/2131/F	**Deferred to allow for further consideration.**	P Manley		N
LA07/2024/ 0547/F -	Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR - Proposed social residential development consisting of 20no. dwellings and 4 no. apartments with associated landscaping and car parking	**Deferred to allow for further consideration.**	P Manley		N