



November 10th, 2022

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 16th November 2022** at **10:00 am** in **Boardroom Monaghan Row Newry** and via **Microsoft Teams**.

Committee Membership 2022-2023

- Councillor D McAteer (Chairperson)
- Councillor D Murphy (Deputy Chairperson)
- Councillor R Burgess
- Councillor P Byrne
- Councillor L Devlin
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor A Lewis
- Councillor L McEvoy
- Councillor G O'Hare
- Councillor H Reilly

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 - Members to be present for the entire item.
- 4.0 Minutes of Planning Committee Meeting held on 19 October 2022. (Attached).

For Approval

📎 *Planning Committee Minutes - 19.10.2022.pdf*

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

For Approval

📎 *Addendum list - 16-11-2022.pdf*

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Development Management - Planning Applications for determination

- 6.0 **LA07/2020/0485/F Nos. 46 /47 /49 /50 /51 /52 /53 & 54 Merchants Quay Newry together with Nos 9 /11 /13 /15 & 17 Cornmarket Newry Major city centre mixed use development scheme comprising of circa 864 m of office space (see below). (Case Officer report attached)**

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

REFUSAL

- A request for speaking rights has been received from Barry Owens, Consulting, in support of the applications. **(Submission attached)**.
- Jason Killen, DFI Roads will be in attendance at the meeting.

Applications were initially presented at the Planning Committee Meeting on 15 December 2021 - Councillors Devlin, Hanna, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare were in attendance

LA07 2020 0485 F Case Officers Report .pdf	Page 13
LA07 2020 0485 F Addendum to CO Report.pdf	Page 51
Pre Determination Report_.pdf	Page 62
Items 6, 7 8 - Merchants Quay Newry.pdf	Page 76

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

REFUSAL

LA07.2020.0486.DCA - Case Officers Report.pdf	Page 149
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8.0 LA07/2020/0487/LBC - Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry (Case Officer report attached)

from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.

REFUSAL

LA07.2020.0487.LBC - Case Officers Report.pdf	Page 153
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9.0 LA07/2019/1087/O - Replacement dwelling and garage - Approx. 50m NE of 21 Drakes Bridge Road, Crossgar. (Case Officer report attached).

REFUSAL

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

📄 *LA07_2019_1087_O 21 Drakesbridge Road.pdf* *Page 164*

📄 *LA07_2019_1087_DrakesB.pdf* *Page 168*

📄 *LA07-2019-1087-O Addendum.pdf* *Page 169*

📄 *Item 9 - LA07-2019-1087-0.pdf* *Page 171*

10.0 LA07/2020/1588/F - Development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works - Former St. Patrick's Primary School site, Ardglass Road Downpatrick. (Case Officer report attached).

APPROVAL

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

📄 *LA07_2020_1588_F PFS Ardglass Road DPK.PDF* *Page 174*

📄 *Item 10 - LA07-2020-1588-F.pdf* *Page 194*

11.0 LA07/2020/1651/F - Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry. (Case Officer report attached).

REFUSAL

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

📄 *2020 1651 - Ballinasack Road Mullaghbawn Case Officer Report_.pdf* *Page 196*


📄 *Item 11 - LA07 2020 1651 F.pdf* *Page 206*

12.0 LA07/2021/1549/F - Application under section 54 for amendment of condition 03C of planning approval LA07/2018/0244/F as follows: Manufacturing operating hours extended from 7.00 - 23.00 hours Monday to Friday to 24 Hour production, 7 days per week - Unit 11 Milltown Industrial

Estate Warrenpoint BT34 3FN. (Case Officer report attached).

APPROVAL

Removed from the schedule at the request of Councillor McAteer as the representative from objectors is unable to attend the meeting


 [LA07-2021-1549-F.pdf](#)

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13.0 LA07/2021/1869/F - proposed infill dwelling - between Nos 43 and 45 Donagh Grove Donaghaguy Road Warrenpoint BT34 3UH. (Case Officer report attached).

REFUSAL

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

 [2021-1869.pdf](#)

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 [Item 13 - LA07-2021-1869-F.pdf](#)

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14.0 LA07/2021/1935/F - Construction of a storey-and-a-half detached dwelling within the curtilage of the side garden of 10 Dunbrae - 10 Dunbrae Chancellors Road Newry BT35 8HG. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Pat McVarnock, agent and Barney McKevitt in support of the application. **(Submission attached).**

 [2021 1935 - Dunbrae \(2\) \(005\).pdf](#)

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 [Item 14 - LA07-2021-1935-F.pdf](#)

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15.0 LA07/2022/0210/F - Retention of existing outdoor customer seating area - Ground floor unit 12 Seaview Warrenpoint BT34 3NJ. (Case Officer report attached).

APPROVAL

Removed from the schedule at the request of Councillor McAteer as the representative from objectors is unable to attend the meeting

16.0 LA07/2022/0226/F - This is a category 11 section 54 application - Ground Floor Unit 12 Seaview Warrenpoint BT34 3NJ. (Case Officer report attached).

Previous approval for retention of change of use to ground floor cafe unit & 2 no treatment rooms and ancillary services, condition 03 restricted opening hours to Mon-Sat 10.00 to 18.00. This application seeks variation to opening hours to provide opportunity for ticketed events and private catering (see attached sheet for times) 12 Seaview, Warrenpoint, Proposed opening times: Monday to Saturday open to general public 9am to 6pm, Monday to Saturday open for ticketed events 6pm to 10pm Sunday open to general public Midday to 4pm, Open for private guest breakfasts 9am to 11am, Open for ticketed events 4pm-9pm. There are two holiday apartments on the floors above the cafe. The cafe owner would like to open on a Sunday morning to serve breakfasts to the guests staying in the holiday apartments - the cafe would not be open to the general public on Sunday morning.

APPROVAL

Removed from the schedule at the request of Councillor McAteer as the representative from objectors is unable to attend the meeting

17.0 LA07/2022/0467/0 - 2 no building sites - lands to infill gap Creggan West Road Between no1 and no3 Creggan West Road Whitecross Co. Armagh BT60 2LA. (Case Officer report attached).

REFUSAL

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

18.0 LA07/2022/0780/F - Change of use from an existing warehouse to provide a heritage centre, cafe and a multi-use leisure space - Building B Saintfield Community Centre 29 Belfast Road Saintfield. (Case Officer report attached).

APPROVAL

- Addendum list


 *LA07-2022-0780-F Saintfield Community Centre.pdf*

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19.0 LA07/2022/1212/A - Wooden Waymarker posts to be installed at various points within Rostrevor - 11 no. locations within Rostrevor: (Case Officer report attached).

APPROVAL

- Addendum list

 *2022 1212 A.pdf*

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For Noting

20.0 Verbal update on implementation of new Planning IT System.

21.0 Historic Action Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated November 2022.pdf*

Page 288

22.0 Planning Performance figures for October 2022. (Attached).

 *October 2022 Planning Committee Performance Report.pdf*

Page 292

23.0 Current appeals and decisions. (Attached)

 *Current Appeals and Decisions issued in October 2022.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 19 October 2022 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**
 Councillor R Burgess (via Teams)
 Councillor P Byrne
 Councillor L Devlin
 Councillor Hanna
 Councillor V Harte
 Councillor M Larkin
 Councillor A Lewis
 Councillor D Murphy
 Councillor L McEvoy
 Councillor G O'Hare
 Councillor H Reilly

(Officials)

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Mr F O'Connor	Head of Legal Administration
Mr M Oliver	Planning Officer
Ms S Taggart	Democratic Services Manager (Acting)
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/092/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

No apologies were received.

The Chairperson extended his condolences on behalf of the Committee to Annette McAlarney, Senior Planning Officer on the recent sad passing of her father John McAlarney.

P/093/2022: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

P/094/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

- Item 7 - LA07/2021/1663/F – dwelling on a farm – site 125m SS west of 26 Curley Road, Newry – site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare
- Item 8 – LA07/2021/2138/0 – proposed new dwelling with detached garage on an infill site – adjacent to and south of No. 14 Edentrumly Road Mayobridge - site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare
- Item 9 – LA07/2022/0044/0 – Infill site for 2 dwellings and garages – between 10 and 14 Kilkeel Road, Hilltown - site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare

MINUTES FOR CONFIRMATION

P/095/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 21 SEPTEMBER 2022

Read: Minutes of Planning Committee Meeting held on Wednesday 21 September 2022. (Copy circulated)

AGREED: **On the proposal of Councillor Murphy, seconded by Councillor O'Hare, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 September 2022 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/096/2022: ADDENDUM LIST

There were no items on the Addendum List.

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

Agreed: **On the proposal of Councillor Devlin, seconded by Councillor McEvoy, it was agreed to exclude the public and press from the meeting during discussion on the following items:**

P/097/2022: LDP: Planning Policy Review

Read: Report dated 19 October 2022 by Mr A Hay, Principal Planning Officer regarding the Local Development Plan: Planning Policy Review – Education, Health and Community Facilities.

On the proposal of Councillor Devlin, seconded by Councillor Lewis, it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following had been agreed:

P/097/2022: LDP: Planning Policy Review

AGREED: On the proposal of Councillor Murphy, seconded by Councillor McAteer, it was agreed to note the LDP: Planning Policy Review provided in the report dated 19 October 2022 from Mr A Hay, Principal Planning Officer regarding the Local Development Plan.

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/098/2022: PLANNING APPLICATIONS FOR DETERMINATION

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

(1) LA07/2021/1663/F

Location:

Site 125m South South West of 26 Curley Road, Newry, BT34 1NU

Proposal:

Dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Speaking rights:

In line with the updated Operating Protocol, no further speaking rights were permitted on this application.

Mr John Harkness, agent was in attendance to answer any questions from Members.

Issues raised:

- Planning considered there were other potential sites that would comply with policy.
- Mr Harkness advised other potential sites were considered, however he said they raised concerns regarding ribbon development and the presence of a slurry pit.
- Mr Harkness said the visibility at the proposed site was good and there would be no need to remove existing hedges.

Councillor Larkin proposed to issue a refusal in respect of Planning Application LA07/2021/1663/F, as per Officer recommendation. Councillor O'Hare seconded the proposal.

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

FOR: 6
AGAINST: 1

ABSTENTIONS: 0

The proposal was carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue a refusal in respect of Planning Application LA07/2021/1663/F as per as per the information contained within the Case Officer report and presented to Committee.**

(2) LA07/2021/2138/0

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

Location:

Adjacent to and south of no.14 Edentrumly Road Mayobridge Newry Co Down BT34 2SG

Proposal:

Proposed new dwelling with detached garage on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Anthony McKay, Chief Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Speaking rights:

Mr Colin O'Callaghan, agent was in attendance to answer any questions from Members.

Issues raised:

- Mr O'Callaghan said the sheds and the paddock were all part of the same planning unit.
- Mr O'Callaghan said as far as he understood, the applicant was not the owner of the planning unit.
- Mr McKay said the planning status of the farm buildings was not the issue, rather the fact they did not have frontage and therefore contravened planning policy.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/2138/0 contrary to Officer recommendation on the basis that he considered the sheds appeared to have road frontage, the paddock and sheds were one unit, the grassed area to the front was associated with the sheds and there was a continuous frontage of three or more buildings. Councillor Murphy seconded the proposal.

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

FOR: 6
 AGAINST: 0
 ABSTENTIONS: 1

The proposal was carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Murphy, it was agreed to issue an approval in respect of Planning Application LA07/2021/2138/O contrary to Officer recommendation on the basis that the sheds appeared to have road frontage, the paddock and sheds were one unit, the grassed area to the front was associated with the sheds and there was a continuous frontage of 3 or more buildings.

Planning officers be delegated authority to impose any relevant conditions.

(3) LA07/2022/0044/O

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

Location:

Between 10 and 14 Kilkeel Road Hilltown

Proposal:

Infill site for 2 dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Speaking rights:

Mr Martin Bailie, agent was in attendance to answer any questions from Members.

Issues Raised:

- Councillor O'Hare said there were at least two sites towards Hilltown that were the same size as the proposed application.
- Mr Rooney acknowledged there was a lot of development in the area but said the issue was the pattern of development in the immediate vicinity and he said Planning considered the immediate context was the basis on which the assessment should be made.
- Mr Rooney said Planning said the road frontage within the red line measured 110m, building to building measured 116m, the front of No. 14 measured 14m and the front of No 10 measured 60m. (He said all measurements were approximate).
- Mr Bailie said due to the wedge shape of No. 14, it appeared bigger and the measurement at the back of the site was approximately 25m.

Councillor O'Hare proposed to issue an approval in respect of Planning Application LA07/2022/0044/O contrary to Officer recommendation on the basis that there were as large and even larger sites on the Kilkeel Road, it integrated well into the surrounding area, it would not add to ribbon development and it would not detract from the natural beauty of the area. Councillor Larkin seconded the proposal.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor O'Hare, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2022/0044/O contrary to Officer recommendation on the basis that there were as large and even larger sites on the Kilkeel Road, it integrated will into the surrounding area, it would not add to ribbon development and it would not detract from the natural beauty of the area.

Planning officers be delegated authority to impose any relevant conditions.

(All Councillors re-joined the meeting)

(4) P/2014/0120/F

Location:

Vacant site fronting onto Glassdrumman Road Annalong adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights

Proposal:

Commercial village retail store with first floor apartments and associated car park (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson advised Planning Application P/2014/0120/F had been withdrawn from the planning process at the request of the applicant.

(5) LA07/2017/1625/F

Location:

Adjacent to 77 Leestone Road, Kilkeel, BT34 4NW

Proposal:

Self-catering accommodation for the tourism industry comprising 6 self-catering units, open space and car parking

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

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

Abbie Kilgore, DAERA Marina Wildlife was in attendance via TEAMS.

Issues raised:

- Ms Kilgore said a study undertaken indicated the area was at high risk of coastal erosion and the impact of climate change and rising sea levels could not be ignored. She said rock armouring was in place along the Leestone Road and there was clear evidence of erosion happening in the area. Additionally, Ms Kilgore said the access road could potentially be a road that would not get sea defences in the future.
- Mr Rooney said Planning shared DAERA's concerns re. coastal erosion and climate change, however he said given the previous site history and previous approvals, on balance, an approval was appropriate, and he said it would not fetter any future applications in that area.
- Mr Rooney said the current planning application did not deal with future sea defences that might be needed, that would be the subject of a different planning permission.
- Ms Kilgore said concerns were raised in 2018 regarding the extension to the caravan park in 2018 and there was more evidence available now to support their significant concerns at the application to further extend the caravan park.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1625/F as per the information contained in the Case Officer's report and presented to the Committee.

(6) LA07/2020/1588/F**Location:**

Former St. Patrick's Primary School site, Ardglass Road Downpatrick

Proposal:

Development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works

Conclusion and Recommendation from Planning Official:

Approval

The Chairperson advised Planning Application LA07/2020/1588/F had been withdrawn from the planning process at the request of the Planning Department.

(7) LA07/2020/1895/F**Location:**

135 Newcastle Road, Kilkeel

Proposal:

Demolish Existing House and Office and Erect 4 Houses

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:In support

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

Issues raised:

- Mr Starkey confirmed the only objection from Planning was the density of the proposed application, however, he said the three main roads into Kilkeel consisted of a variety of building types and densities.
- Mr Rooney said it was erroneous to use commercial and community buildings to justify the development type as corridors into any town would include buildings of this type.
- In response to a query from a Member asking for clarity on Refusal Reason 2, Mr Rooney replied that although Planning acknowledged the layout and amenity space were contained within the red line, he said the proposal did not reflect the character of the area along the Newcastle Road and was at odds with what was currently there, consequently, he said Planning considered it would not create a quality residential development.
- Mr Rooney said from a visual assessment perspective, it was important to maintain the character of the area and the proposal of four houses was excessive.
- Mr Starkey considered Planning had not identified where the established residential area was much less the general density of that established residential area, but had, instead selected two of the biggest properties to the left of the application site.
- Mr Starkey confirmed the site would be cleared and buildings thereon demolished before works would commence.
- Mr Starkey considered Policy LC1 did not apply as Kilkeel had a population of more than 5000 people.
- Mr Rooney said it was not appropriate to rely on the character of Sheemore Crescent when assessing the character of the area.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2020/1895/f contrary to Officer recommendation on the basis that he considered the proposal would add to the area and it was in the public interest to build houses. Councillor Hanna seconded the proposal saying the agent had addressed all concerns and he did not consider there to be any set design precedent in the area.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Murphy, seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/1895/F contrary to Officer recommendation on the basis that the proposal would add to the area, it was in the public interest to build houses and there was no set design precedent in the area.

Planning officers be delegated authority to impose any relevant conditions.

(8) LA07/2021/1422/O**Location:**

Between 153 + 159 Derryboy Road Crossgar

Proposal:

Infill Site for 2 Dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

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

Issues raised:

- In response to some discussion regarding the building to building measurements, Mr McKay said the policy had been misused over the years, the intention was never to concentrate solely on figures. He said the policy PPS was about controlling development in the countryside and that permission was granted by exception and the policy required professional evaluative judgement.
- Councillor Byrne said figures should not be included in the report if the application should not be assessed on figures.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/1422/O contrary to Officer recommendation on the basis that it complied with CTY8.

Planning officers be delegated authority to impose any relevant conditions.

(9) LA07/2021/2063/O**Location:**

61 Ballytrim Road Crossgar

Proposal:

Vary condition 2 (approved drawings and condition 4 (seek variation of condition to provide amendments to the access) of planning permission LA07/2020/0605/F for the replacement dwelling with landscaping, alterations of access point and other associated site works. We seek to vary condition 2 and 4 to replace drawing number 19-37-10 with new drawing number PD001

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

Speaking rights:

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

Issues raised:

- Mr McKay said the replacement dwelling application had been approved on condition the scheme would not be significantly different to what was originally in place.
- Mr McKay said the current application was a very substantial stand-alone project and area of concern was the scale and context which, he said Planning considered was completely exaggerated.
- Mr Scally said the wall would consist of two stone pillars, each extending by 2m, with wooden gates and the wall would measure 1.5m in height and 160m in length.
- Mr McKay said the examples of walls in the area given by the agent were for much bigger older estates and were not comparable to the current planning application.
- Mr Scally said the wall would be constructed from stone from demolished buildings on the site.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/2063/F contrary to Officer recommendation on the basis that using the recycled stone would be very appropriate and would not impact the environment and additionally the access would be improved from a safety perspective. Councillor Larkin seconded the proposal saying stone walls in country areas were not offensive.

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

FOR:	8
AGAINST:	3
ABSTENTIONS:	0

The proposal was carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/2063/F contrary to Officer recommendation on the basis that recycled stone from the demolished buildings on site be used in its construction.

Planning officers be delegated authority to impose any relevant conditions.

P/099/2022: HISTORIC ACTION SHEET

Read: Historic Action Sheet. **(Copy circulated)**

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

P/100/2022: PLANNING COMMITTEE PERFORMANCE REPORT – SEPTEMBER 2022

Read: Planning Committee Performance Report – September 2022. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Performance Report

P/101/2022: CURRENT APPEALS AND DECISIONS

Read: Current Appeals and Decisions. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Current Appeals and Decisions.

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 16 November 2022

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:

- **LA07/2022/0780/F** - Change of use from an existing warehouse to provide a heritage centre, cafe and a multi-use leisure space - Building B Saintfield Community Centre 29 Belfast Road Saintfield **APPROVAL**
- **LA07/2022/1212/A** - Wooden Waymarker posts to be installed at various points within Rostrevor - 11 no. locations within Rostrevor **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0485/F

Date Received: 20 March 2020.

Proposal: 864 m² of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518.3 m² Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m²) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

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

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

1.1. The application site, an area of 0.404 hectares runs from Merchant's Quay frontage to the east to Corn Market Frontage to the west and north west.

1.2. Its northern site boundary runs to the rear of existing 2 storey properties on along the Corn Market. A 3-metre corrugated fence, continues along the western boundary, which also contains six 2-storey properties. The

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

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

2.0. SITE HISTORY

2.1. Related Planning Applications received:

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

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

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

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

4.0. STATUTORY CONSULTATIONS :

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

4.2. DfI Roads :

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

4.3. DfI Rivers Agency:

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

4.4. Historic Environment Division:

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

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

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

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

Water Management Unit (WMU)

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

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

Inland Fisheries

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

Regulation Unit (Land and Groundwater Team)

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

Natural Environment Division (NED)

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

4.6. Shared Environmental Services (SES):

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

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

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

4.8. NI Water Strategic Applications :

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

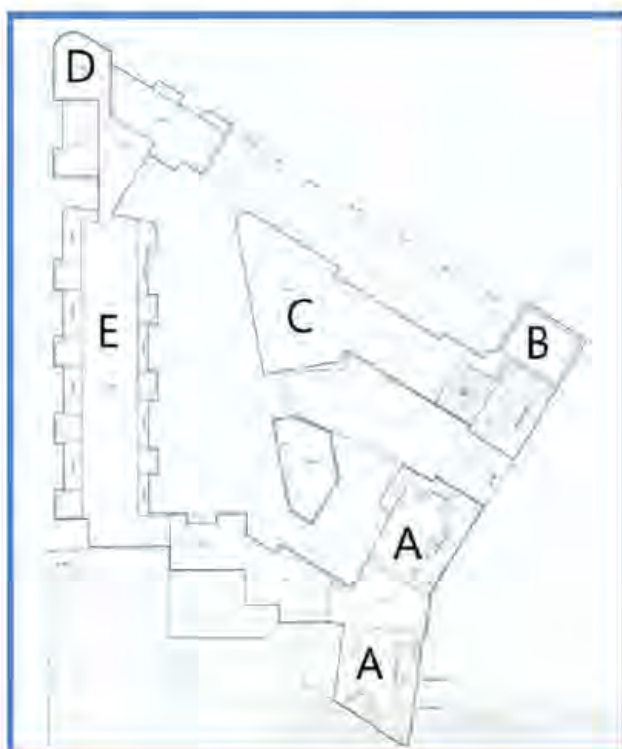
5.0. OBJECTIONS & REPRESENTATIONS

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

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

6.0. PLANNING ASSESSMENT & CONSIDERATION

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



- Block A which fronts onto Merchant's Quay to the east, opposite the Newry Canal, is a mixture of 4-6 storey building combining 2 no. ground floor retail units (206m²and 247m²) and 18 no. 2-bed, apartments above. Relating to this block, there is also 1 no. additional 1bed apartment (wheelchair accessible) located at ground floor level and 2 no. 2bed at first floor level, which are

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

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

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

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

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

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

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

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

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

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

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

6.7 Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

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

6.7.3. The proposal includes a mix of uses including;

- Retail;
- Office;

- Residential and
- a coffee shop.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 ASSESSMENT

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

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

7.4. The amendments and relevant changes included the following:

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

7.5 Additional information has also been submitted to include;

- Addendum to Flood Risk and Drainage Assessment;

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

8.0 ASSESSMENT OF AMENDED SCHEME

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.4 Retail, Office and Commercial Development

8.4.1 As referenced, the proposed retail, office and commercial (coffee shop) elements in principle, fit within the wider economic and sustainable development objectives of the SPPS and RDS.

8.4.2 In considering the detailing, Policy DGN1 of Volume 1 of the Plan requires new security shutters to be fully integrated into the frontage of the building at the initial design stage, with the shutter box recessed behind the fascia, and the guide rails concealed within the shop front surround or window reveals. A condition has been added to this effect to protect the character of the Conservation Area and Area of Townscape Character.

8.4.3 Proposed shuttering in the form of new sliding timber doors to the 3rd commercial unit (coffee shop) within the listed building at no. 47 Merchant's Quay is considered separately under respective LBC application LA07/2020/0487/LBC.

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

8.5.1 Policy NH1 - European and Ramsar Sites - International

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.6.1 Access and Road Safety

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

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

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

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

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

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

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

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

8.7. Car Parking Provision

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

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

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

This calculation is based on the following figures:

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

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

This represents a deficit of 187 spaces.

- 8.7.3.** The above calculations are based on the assumption that the retail units are to be food retail. If they are non -food then the requirement would be 188 spaces.
- 8.7.4** The parking survey provided, in support of the application, anticipates a deficit of 110 spaces during the peak periods of residential parking demand (i.e. Weekdays before 0700 and after 1900), and states that the remaining spaces will be accommodated in public car parking areas.
- 8.7.5** The parking survey report suggests to apply full parking standards to a development within a city centre is an over representation of the requirement, as residents, staff and visitors will be able to avail of the existing sustainable transport options that are available and concludes that that there is an abundance of on-street car parking available to accommodate the proposed development during peak times in close proximity to the site.
- 8.7.6.** Whilst it is accepted that the required off street parking provision cannot be accommodated within the extent of the submitted site boundary and a degree of flexibility can be applied to accommodate a reduced car parking capacity owing to the nature and location of the proposed development; the Planning Department do not have satisfactory evidence or information (by way of formal agreements or otherwise) in place to demonstrate how the parking deficit can adequately be met elsewhere in order to set aside the requirements of PPS3 Policy AMP7, Parking Standards and Creating Places.
- 8.7.7.** In summary, the matter of car parking provision remains unresolved and must be addressed prior to any commencement of the development hereby proposed. A condition to this effect will follow at the end of this report to ensure the requirements of PPS3, Parking Standards and Creating Places are met.

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

8.8.1 FLD1 – Development in Fluvial Flood Plains.

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

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

8.8.2 FLD2 – Protection of Flood Defence and Drainage Infrastructure

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

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

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

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

8.8.3 FLD3 – Development and Surface Water

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

8.8.4 FLD4 – Artificial Modification of Watercourses

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

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

8.8.5 FLD5 - Development in Proximity to Reservoirs.

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

8.8.6 Sewerage Proposals and Capacity

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

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

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

8.9. Land Contamination

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

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

9.0. RECOMMENDATION:

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

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

10.0 SUGGESTED PLANNING CONDITIONS (SUBJECT TO AMENDMENT)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Addendum to Case Officer Report

Application Ref Number: LA07/2020/0485/F

Date Received: 20 March 2020.

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

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

Application Ref Number: LA07/2020/0487/LBC

Date Received: 20 March 2020.

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

Application Ref Number: LA07/2020/0486/DCA.

Date Received: 20 March 2020.

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

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

1.0. Background.

- 1.1.** This Addendum should be read in conjunction with the case officer reports, previously circulated.
- 1.2.** By way of background, the applications above were recommended for approval to the Council's Planning Committee on 10 March 2021. The case officer report, presented before Committee, also provided a number of draft negative planning conditions requiring that no development, on the site, shall commence until all outstanding issues, as raised by the consultees, have been fully addressed by the applicants, considered by the Council, in consultation with the relevant statutory bodies and finalised or resolved in full.
- 1.3.** The Planning Department then received, on 15 March 2021, a 'Holding Direction' from the Department for Infrastructure (Dfi) directing that the Council may not grant planning permission for the planning application LA07/2020/0485/F until further advised by the Department.
- 1.4.** Dfi subsequently advised the Council, that it had decided that it was not necessary for the applications to be referred to it for determination. It also said that it appeared, to it, that the consultation process in relation to roads, built heritage and rivers /flooding matters had not yet been completed by the council and it was important that the Council satisfies itself that it has fully considered the advice provided by the relevant consultee before the applications are concluded and that any information, required by the consultee, has been forwarded to it in order that a final, fully informed consultation response can be provided by the Council.
- 1.5.** The Planning Department, in the light of the comments by Dfi, contacted the applicant's agent to seek clarification on whether he intended to address those issues raised by the consultees, and provide the additional information, required by them, prior to the issuing of a formal decision. The Agent subsequently confirmed that the applicants believed that a decision to approve the development had been taken by the Planning Committee in March 2021. He confirmed that it would not be possible for the applicant to complete the work being requested. He requested an immediate pre-determination hearing to finalise matters.
- 1.6.** The application was considered at a special Pre-Determination Hearing and subsequent Planning Committee meeting, on Wednesday 15 December 2021. The Predetermination

Hearing highlighted and discussed the issues referred to above that had been raised by statutory consultees. These included insufficient car parking, access details, impact on the road network, flooding issues and detailed design and details of the outstanding information, namely:

- Amended plans showing the required visibility splays and any other associated works; showing the access and gates at Merchants Quay and Corn Market (West); arrangements for pedestrian issues, and signage.
- An amended Transport Assessment detailing a number of technical issues.
- An amended Parking Survey to take into account the already committed development which has allocated some of the on-street & public car park spaces.
- A Road Safety Audit and Exception report.
- Flood modelling.

1.7. The Planning Department confirmed its view that there is a need for 109 car parking spaces to cater for the residential element of the development. Its previous recommendation to approve was made subject to a pre-commencement condition requiring the provision of those spaces prior to commencement. This was also on the basis that the applicant was agreeable to that condition and if that had now changed, the context for the previous recommendation and its view on the proposal would change. The applicants confirmed that they would be happy to provide 62 spaces in conjunction with other mitigating measures outlined in the Travel Plan. DfI Roads confirmed its view that the residential requirement for car parking provision should be met at full standard.

1.8. At the subsequent Planning Committee meeting, also held on Wednesday 15 December 2021, members voted to accept legal advice to defer the planning application to allow for the submission of further information to address issues raised, in particular, the requirement for a Transport Assessment.

1.9. The applicant then submitted, on 23 December 2021, the following additional information for consideration:

- Amended layout, elevational and access drawings;
- Justification Paper (relating to car parking and any requirement for a transport assessment and road safety audit);

- Updated Car Parking Survey (amended to reflect DfI Roads concerns relating to parking numbers and committed development); and
- Technical Note on Flood Displacement (further setting out how the applicants have addressed flood risk associated with the development via detailed calculations)

1.10. The Planning Department consulted the relevant agencies on the additional information. In its formal response, dated 21 February 2022, DfI Roads confirmed that it considered the application unacceptable as submitted. Insufficient detail is available on transportation issues. Should Planning Service be minded to progress the application towards an approval, DfI Roads require the following points to be addressed:

1. Details of the proposed parking and location needs to be provided (including location of private car park stated in the recent submission. Note: The proposed usage of the private car park facility referred to in the recent submission should take into account any current usage). The Department requires 107 spaces for residential parking as per the Parking Standards. DfI Roads accept that the office and retail parking can be provided within the existing public parking.

2. Provide a Transport Assessment (as discussed at the Planning Committee in relation to not providing the required full parking provision), detailing the impact the proposed development will have in relation to the 107 spaces required for the residential parking. The Transport Assessment should include the following:

a. The connection between the TRICS sheets and TABLE 2 be shown and the missing Table 1 referred to in the Transport Assessment Form included.

b. Distribution and assignment of the proposed development trips should be considered.

c. Consultant to establish the area of influence using a 5% or 10% threshold this will need to be justified.

d. Junctions exceeding threshold should be modelled using Departmental Approved programmes and assessed on year of opening and 10/15 years after opening.

e. Medium growth rates should be applied to the base year survey data and data collected during the COVID-19 pandemic be factored and justified.

3. A Road Safety Audit and Exception report may still be required in relation to the private car park.

1.11. Dfl Rivers, in its consultation response dated 3 March 2022, stated that it had reviewed the '*Technical Note on Flood Plain Displacement*' submitted by Marrac Design, dated December 2021 and comment as follows:

In the submitted Technical Note the applicant has provided an overview of the methodology they used to demonstrate insignificant impacts elsewhere from the 1 in 100 year fluvial floodplain as a result of the proposed works.

In our previous response to the Planning Authority dated 05/03/2021, Dfl Rivers explained that '*the methodology used by the applicant has not integrated the model used to generate the fluvial floodplain as portrayed on the Flood Maps (NI).*

Therefore, Dfl Rivers would ask the applicant to input their proposals into the model used to generate the Flood Maps (NI), as a means to demonstrate insignificant impacts elsewhere from the 1 in 100 year fluvial floodplain as a result of these proposed works.'

Dfl Rivers reiterated our position at a recent pre-determination meeting held on 15/12/2021 but are yet to receive the requested information from the applicant.

Therefore, Dfl Rivers comments from a flood risk and drainage perspective have not changed from that stated in our previous response to the Planning Authority dated 05/03/2021.

1.12. The Applicant then submitted the following, further information on 6 September 2022:

- Transport Assessment; and
- Technical Memorandum – Hydraulic Modelling

1.13. In its formal consultation response on the above, dated 14 October 2022, Dfl Roads confirmed its opinion that the application is unacceptable as submitted. Insufficient detail is available on transportation issues as listed below. Should Planning Service be minded to progress the application towards an approval Dfl Roads require the following points to be addressed:

1. It is Dfl Roads view that all of the 107 required residential parking spaces should be off-street and within an acceptable proximity of the application site. Dfl Roads do not consider public car parks and on-street parking acceptable for the residential element of this major city centre mixed use development- see point 3 below.
2. In consideration of the most recent Transport Assessment, Dfl Roads would have the following comments to make:
 - a. The consultant should provide the TRICS outputs for the residential units to allow the trip rates to be checked. If applicable, all the relevant traffic flow diagrams should be amended to take account of changes to the arrivals and departures in the AM peak hour (the consultant has shown 25 arrivals and 10 departures in the AM peak hour, whereas Dfl Roads have found that there would be approx. 10 arrivals and 25 departures.)
 - b. A gravity model should be used to justify the origin and destination of the trips generated by the proposed office and retail space. The impact of these trips on the road network should be assessed in detail in a revised TA.
 - c. The distribution and assignment of trips associated with the office and retail space should be shown in a revised TA. The cumulative impact of trips generated by the residential units, the office and the retail space on the surrounding junctions should be assessed in detail.
 - d. A Safety Audit, to consider the detailed design of the proposed development should be considered.
 - e. Transport assessment will also require updated to include for total off street parking requirement of 107 residential spaces.
3. In consideration of the information provided in Table 3-3 – Car Parking Survey Results, Dfl Roads would have the following comments to make:
 - a. Traffic volumes in the Newry area at the time of the car park surveys, particularly in Feb '22, were lower than a typical day. The demand for car parking would therefore also have been lower;
 - b. The majority of the car parks listed in Table 3-3 have time restrictions and would therefore not be appropriate for the proposed residential units;
 - c. The proposal will encourage all-day parking by office staff, retail staff and residents which could potentially impact other local businesses;

- d. Given that all the Committed Developments considered are within walking distance to/from the proposed development, Dfl Roads recommends that 100% of the on-street car parking spaces associated with them are included in the assessment; and
- e. Residents, staff and customers will naturally want to park as close to the proposed development as possible. As such, there is a considerable risk of exacerbating the existing congestion issues at peak times as some vehicles are likely to circulate the surrounding streets looking for a space.

1.14. Dfl Roads advised that should Planning be minded to refuse this application, it would offer the following refusal reasons:

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

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

1. Incomplete TA
2. Incomplete parking survey (residential element)
3. Road safety audit and exception report
4. Unknown location of additional private car parking

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

1.15. In its final response dated 28 October 2022, Dfl Rivers stated that its Planning Advisory & Modelling Unit have reviewed the '*Technical Memorandum-Hydraulic Modelling*' submitted by McCloy Consulting and comment as follows:

The applicant's consultant has produced model data that indicates the proposed development will have little to no flood risk impact to the surrounding area or elsewhere as a result of the proposed development. Therefore, Dfl Rivers while not being responsible for these proposals and the associated information, accepts the applicant's logic and has no reason to disagree with its conclusions.

1.16. In the light of the above, the issues previously raised by Dfl Rivers have now been addressed, however the issues raised by DFI Roads remain unresolved. The Planning

Department contacted the Agent on 26 October 2022 to establish if the applicants intended to address the outstanding issues raised by DfI Roads. In a response, also on 26 October, the Agent confirmed that they had reviewed the DfI response and were content with the information contained within their last submission. They would ask therefore that the application be brought to the November planning committee in order that the previous decision to approve may issue.

- 1.17.** While the issue of car parking is a matter for Planning to assess, the view of the statutory body responsible for road safety, on the issue, DfI Roads, is a significant factor to be considered.
- 1.18.** Planning Policy Statement 7, which deals with 'Quality Residential Developments' 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. It requires, amongst other things that all proposals for residential development will be expected to make adequate and appropriate provision for parking. It states that the amount of car parking required in any development will be negotiated with developers according to the specific characteristics of the development and its location and having regard to the Department's published standards.
- 1.19.** The Planning Department has been consistent in its view that the matter of car parking must be addressed prior to the commencement of the proposed development. As stated above it recommended a planning condition to Committee specifying that no development shall commence until satisfactory arrangements are put in place, and agreed in writing with the Planning Authority, for the provision of the required number of car parking spaces to serve the development hereby approved within the Newry City Centre Boundary and retained for such purposes thereafter.
- 1.20.** It is now the view of the applicants, as expressed in their final submissions that the car parking requirement for this development can be provided either within public city centre car parks or on-street. DfI Roads has said in its latest response that all of the required residential parking spaces should be off-street and within an acceptable proximity of the application site. It does not consider public car parks and on-street parking acceptable for the residential element of this major city centre mixed use development.

- 1.21.** In an earlier 'Car Parking Survey, submitted to Planning on 23 December 2021, the applicants stated that the proposal includes the provision of 11 in curtilage car parking and 62 spaces will be provided off-site in a private lease agreement with a neighbouring private car park. This will accommodate 1 space per residential unit. In the most recent submission, the applicants confirmed they are revising the position presented in the previous Parking Assessment Technical Note and that their revised car parking assessment supersedes the 'Car Park Survey's submitted in December 2021. The conclusions of this assessment find there is an abundance of on-street car parking available to accommodate the proposed development during peak times in close proximity to the site. There is no requirement for the development to include privately leased parking spaces to accommodate parking demand. Additionally, the Travel Plan and Residential Travel Pack which accompany this application will set out measures to promote the use of sustainable modes of travel for future site users and set targets which will be adhered to as a condition of occupation of the site
- 1.22.** These mitigation measures were considered by DfI Roads and Planning in its assessment of the application. While the alternative means of travel, including public transport, cycling and walking, as referred to in the documents above, are all sustainable options and material considerations for this application, it is considered that these alternative measures are insufficient to justify the level of car parking proposed, by the applicant, as part of this development. A suitable level of car parking provision, to serve the proposed development, should be provided as part of the final approved scheme. The Planning Department is satisfied that this matter has been properly considered. It shares the view expressed by DfI Roads that adequate off-street parking should be available to an appropriate level, to serve this significant proposal. In the absence of such provision, the application must be recommended for refusal for this reason and the general concerns and reasons outlined by DfI Roads.
- 1.23.** The previous case officer report confirmed that DAERA Water Management Unit has concerns that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Newry Wastewater Treatment Works (WWTW). It advised that the Planning Department consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. The Planning Department sought clarification from NIW as to the WWTW capacity for this development. NI Water confirmed that in a response to a pre-development enquiry

(PDE) dated 19th February 2020, it had advised that: there is a public foul sewer already in use, which can serve this proposal providing there is a like for like discharge, as per the flows provided in the PDE application; and the receiving Waste Water Treatment facility (Newry WwTW) has sufficient capacity to serve this proposal providing there is a like for like discharge. It also confirmed that as the current PDE from NI Water is valid until the 19th February 2021, a further PDE is required to determine whether there is current capacity to serve the proposed development via the existing sewerage infrastructure / network or whether upgrading works are required.

- 1.24.** The case officer report highlighted this issue and, in common with other planning applications, this application was previously recommended for approval with a negative condition requiring that 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. This was to ensure a safe and appropriate means of sewage disposal and to ensure protection of the aquatic environment. NI Water has now recently raised wider issues around sewer capacity and sewage disposal in Newry City and elsewhere and has, within the past 2 months, formally questioned this approach, with the Planning Department. This matter remains under consideration.
- 1.25.** The application is being recommended for refusal by the Planning Department. In the light of the recent concerns expressed by NI Water since the last Committee meeting in December 2021, it will be a matter for members to consider, should they decide to overturn the recommendation, if it is appropriate to proceed on the basis of a negative condition, as before.

2.0. Recommendation.

- 2.1.** The application is recommended for refusal for the following reasons:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of residential vehicles which would be attracted to the site.

2. The proposal is contrary to Policy QD 1 (f) of Planning Policy Statement 7 (PPS 7), 'Quality Residential Developments' in that adequate and appropriate provision has not been made for parking.
3. Having made the applicant aware that further details regarding: incomplete Traffic Assessment; incomplete parking survey; road safety audit and exception report; and, location of additional private car parking, were required to allow DfI Roads to assess the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

PRE-DETERMINATION HEARING.

Date: 15 December 2021

Development Management Report

Application Ref Number:	LA07/2020/0485/F.
Date Received:	20 March 2020.
Proposal:	Major city centre mixed use development scheme comprising of circa 864 m ² of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m ² Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m ²) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.
Site location:	Nos. 46 /47 /49 /50 /51 /52 /53 & 54 Merchants Quay Newry together with Nos 9 /11 /13 /15 & 17 Cornmarket Newry.
Application Ref Number:	LA07/2020/0487/LBC
Date Received:	20 March 2020.
Proposal:	Proposed LBC application for a material change of use of listed building at No. 47 Merchants Quay, Newry from vacant storage unit to proposed commercial use consisting of coffee bar at ground floor with office accommodation above connecting at rear to new proposed office complex. Works include proposed remedial works to external and internal fabric of listed building including repairs to stonework and brickwork; timber beams/joists and roof structure; re-covering of roof including proposed roof glazing and repair/replacement of timber windows and doors.
Application Ref Number:	LA07/2020/0486/DCA.
Date Received:	20 March 2020.
Proposal:	Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area).

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

1.0. Background.

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

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

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

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

Dfl Roads: The applicant has not provided a response to Dfl Roads previous reply issued on 9 February 2021 which considers and resolves the issues raised within that reply

Inadequate Parking

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

1. parking
 - of vehicles which would be attracted to the site.

Sub-standard Access

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in Development Control Advice Note 15.

Pedestrian Safety

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since an adequate footway cannot be provided to link the site to the existing footway on Merchants Quay to accommodate the increased pedestrian movements.

Note to Planning:

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

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

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

DfC Historic buildings and Monuments: The remaining issues for HED Historic Buildings could be resolved if the council ensures the following: a few minor discrepancies are resolved on drawings D17c and SCH01a; revision numbers on all drawings that relate to the listed building for the full application tally with those for LBC; and appropriate red line boundary on the location plan.

HED (Historic Monuments) has reviewed the additional documents uploaded 22/11/2021 to the public planning portal. Our position remains the same in this case in that any approval should be subject to archaeological mitigation as per Policy BH 4 of PPS 6.

- 1.11. In summary, having considered the information provided in the additional consultation request, HfG Historic Buildings and Monuments is content to accept an approval with appropriate planning conditions. DfI Rivers has stated that the provision of information through pre-commencement planning conditions, as is the case with this application, is not the preferred mechanism to Rivers, as matters of flood risk should be dealt with up-front. DfI Roads has confirmed that the applicant has not considered or resolved the issues raised in its previous consultation response and has recommended a number of reasons for refusal

on that basis. (Its full response is appended to this report). Both DfI Roads and DfI Rivers have confirmed they will be in attendance at the pre-determination hearing.

- 1.12. In its response, the Department also referred to the provisions of Regulation 7(1) of the Planning (Development Management) Regulations (NI) 2015 regarding the holding of a pre-determination hearing in circumstances where a district council has been subject to a direction under Article 17 of the Planning (General Development Procedure) Order (NI) 2015 but where the application has not been called in by the Department under Section 29 (1) of the 2011 Act.
- 1.13. Under the terms of the prevailing legislation, when an application has been made the subject of a formal 'Holding Order' by the Department, the council, irrespective of the outcome of that Order, is required to give the applicant and any person so prescribed or specified an opportunity of appearing before and being heard by a committee of the council. In this case, within the terms of the legislation, this is considered to include the applicant, objectors, if any, and statutory consultees.
- 1.14. The application is now before the Planning Committee in line with established procedures for the staging of a Pre-determination hearing.
- 1.15. The purpose of this report is to provide information for the Planning Committee to inform the pre-determination hearing, held to enable the applicant and interested parties to be heard, ahead of the main meeting of the Planning Committee. The hearing will follow a similar format to the Planning Committee in that the officer will give an oral presentation of the applications and key issues. The applicant and interested parties will then have an opportunity to speak. The objective of the hearing will be to focus on the material planning considerations and explore these to facilitate the Planning Committee in making its determination on the application.
- 1.16. The original committee reports presented to the Planning Committee on 15 March are appended to this report.
- 1.17. The Council has received no representations in relation to this application since the Planning Committee meeting in March. Following the pre-determination hearing, the planning application will be reconsidered and determined by the Planning Committee which will follow the hearing.

P G Rooney

**Principal Planning Officer.
10 December 2021.**

Appendix 1: DfI Roads Comments.

Newry, Mourne & Down Planning Service

Network Planning
Rathkeltair House
Market Street
Downpatrick
BT30 6AJ

Tel: 0300 200 7893

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

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

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

DfI Roads comments dated 9 February 2021 still apply.

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

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

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

Note to Planning:

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

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

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

Inadequate Parking

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

1. parking

- of vehicles which would be attracted to the site.

Sub-standard Access

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in Development Control Advice Note 15.

Pedestrian Safety

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since an adequate footway cannot be provided to link the site to the existing footway on Merchants Quay to accommodate the increased pedestrian movements.

Note to Planning:

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

5. Bin collection points clear of public footway and not obstructing proposed accesses
6. Incomplete TA
7. Incomplete parking survey
8. Road safety audit and exception report

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

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

Appendix 2: DfI Rivers Comments.

Pat,

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

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

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

Kind regards,

David Clarke

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

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



Appendic 3. Dfl Archaeology & Built Heritage HED (HB) Comments

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

Section Reference: HB16/28/075

Considerations

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

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

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

Explanatory note

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

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

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

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

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

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

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

Requested Conditions:

Listed Building:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives

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

This written submission is in response to the recent release of the case officer's addendum report recommending refusal of the above applications and the reasons for this recommendation contained within same. The submission provides further clarification and additional information in relation to the refusal reasons and in advance of the planning committee meeting scheduled for Wednesday 16th November when the applications will be considered further.

Introduction

The week after the International Conference on Climate Change is of note, as within Northern Ireland transportation is one of the largest contributors to the generation of green house gases within this jurisdiction. Planning in many areas now is towards a net zero in Carbon with UK targets set to achieve this by 2050. The integration of transportation and land use planning is therefore critical to achieving a sustainable development target if we want to reduce car use. The aim is for people to live and work in our city centres to minimise the need for travel and to minimise the need to use private cars. One way of achieving this is to create new homes within walking distance of all the city facilities as well as being close to the public transport hubs. This application is one such development proposal.

The planning case officer has set out in the report the history of this application which was originally intended to be a car free city centre development picking up on the ethos of the climate action plan. As a low rate of parking was proposed, the development did set out a Travel Plan to demonstrate how users of the site could avail of more sustainable travel options. This plan has been accepted. The travel plan set out that the site was within walking distance of the bus station which connects to the train station and in turn connects Newry to all the public transport provision on this island. With this as the ethos the planning application, the Case Officer in 2020 recommended approval subject to a condition to provide off site car parking to serve the residential units. Primarily this is the main reason for the current recommendation on this application.

Before considering this, it is important to note the information that was previously submitted and the request for further information set out in the Planning Case Officers recent addendum report in October 2022. This set out three requirements :

1. Transport Assessment Update

The first relates to the provision of a revised Transport Assessment. The application was accompanied with a Transport Assessment that considered 100% of the traffic generated to the residential element of the site and approached the site as if car parking were available. This allowed a calculation to be submitted identifying the junctions where traffic changes should drivers approach the site, which they will not as car parking is not provided. The CIHT TA Guidelines and the DFI TA guidelines set out that if a junction exceeds a change in flow of more than 10% then that junction should be considered for further assessment. In congested locations, a more onerous 5% threshold is considered. The original TA considered any junctions where this threshold was exceeded and prepared the modelling of the site access junction where this was exceeded. As the approach to the access is along a one-way street, the use of different origins for the traffic is immaterial as traffic can only approach in one direction. We contend therefore that the original findings in the TA submitted still stand.

Notwithstanding this, we have prepared an Addendum paper outlining the implications of the distribution and confirming that the findings of the original TA still stand. DFI have accepted that the local retail unit and offices will use the car parking in the surrounding area. Indeed, the retail unit is going to divert small trips from the other nearby retail facilities, meaning that this traffic is already on the network and travelling to the existing facilities and is not new traffic at all. DFI requested a sensitivity test of generating the retail and office traffic to the site, an assessment has considered this traffic travelling to the nearest car parks as this will set out the approach route that would be taken by such traffic. The Addendum sets this out and demonstrates no notable change from the results of the original TA.

An Annex to this note includes the Transport Assessment Addendum (TAA) prepared in response to the Department for Infrastructure (DfI) Road's consultation reply dated 14th October 2022 and the Newry, Mourne and Down Council planning Case Officers Addendum report. This TAA has provided additional clarifications to the points raised by DfI Roads/ Council Planners and should be considered in conjunction with the previously prepared TA. The clarification information provided within this report highlights that the conclusions of the previously submitted Transport Assessment remain unchanged.

A model of the proposed access was prepared in the Dec 2021 analysis and this demonstrated that the access used less than 10% of its available capacity and indicated that the design had significant reserve capacity. So even if the traffic flow were to increase, the access would not provide any demonstrable harm to the surrounding road network. This is the planning test, which is met.

An expansion of the traffic impact assessment to include the retail and office elements of the development proposals have found that the local junction network can accommodate the traffic generated by the proposals and is within the thresholds defined in the CIHT document "Traffic Impact Assessment" and the Transport Assessment Guidelines.

2. Car Parking

The second element raised for clarification is the provision of car parking. The application was accompanied with a parking report in 2020. The DfI response highlights that 107 spaces are required for the development to serve the residential use. This calculation is a full standards provision for apartments which would apply on a green field, out of town site rather than within a city centre. Considering the Climate Change Act, the current Government thinking is to reduce the provision of car parking associated with city centre developments and Development Plans are introducing areas of parking restraint where town and city centres and arterial routes are subject to significantly lower parking provision than set out within Creating Places. An example of this is the Tribeca proposal in Belfast City Centre where significant weight was given to the emerging policies. Here the residential element of application LA04/2017/2341/O approved 36,000m² of residential use, the equivalent of circa 450 units, with only car club and disabled parking. The remainder of the lands were approved using the existing car parking provision in the area, as the impact of city centre living was to encourage users not to own a car due to the availability of more sustainable travel options.

This application is no different in that the submitted car park survey identified 817 potential public spaces within c350m of the application site as a test if owners did drive. The peak parking demand for residential use is after 7pm and before 7am. The average occupancy before 7am in the morning highlighted 659 spaces available and at 7pm in the evening there was an average of 370 spaces available. This allocation would have been sufficient if this site were assessed as a green field out of town development, which it is not as it is a city centre living scheme designed to avoid car ownership. Essential car journeys can be made by the car club provision proposed at the site.

The proposal seeks to provide 11 curtilage spaces to accommodate the proposed car club and on the busiest day at this time there were still a further 294 available spaces within the immediate public parking areas.

A further justification paper was prepared in December 2021, and it included an updated parking report taking account of further committed development, which did not materially change the conclusions of the original report. Indeed, the Council did its own parking surveys of 1275 spaces in February 2022 and June 2022 which highlighted that the lunch time period was the busiest period in the day but there were still 603 spaces available at this time. Overnight this number was even higher. The Councils own work reinforces the findings of the submitted parking surveys, demonstrating available capacity. In all cases no account was taken of the available spaces in the car parks at the Quays or Buttercrane Shopping Centres.

Car parking numbers is a decision to be made by planners as the statutory body making the decision. All the evidence highlights that there are available spaces to serve those who may wish to drive, despite

this being a carbon friendly development designed to reduce car use. We have always been content to accept a condition to work in accordance with the Travel Plan which is set out to strongly encourage use of the sustainable travel modes.

3. Road Safety Audit

The third issue raised by DFI was the provision of a road safety audit. Such requirements have been conditioned on other applications to be provided prior to commencement of works on site. This application is no different and such a condition can be applied if required.

However, the development proposals have been demonstrated to generate a low volume of vehicle trips to / from the site. The proposals will use existing accesses onto the adopted highway, albeit they will provide a betterment to Non-Motorised User's (NMU) through the provision of dedicated pedestrian entrances and pedestrian protections (i.e., bollards).

Accordingly, a road safety audit is not required as:

- The site accesses will remain as existing.
- Traffic volumes will be low; and
- Pedestrian infrastructure will be bettered over the existing situation.

Notwithstanding this the Council can apply a condition should it feel that it is required.

Summary

In conclusion we have conducted sensitivity testing and further clarification to assess the issues raised by DFI Roads through the planning Case Officers addendum report. The clarification provided in this written submission still demonstrates that the development will not have a significant demonstrable harm to the surrounding road network. This is the planning test which has been met.



Annex A
Transport Assessment Addendum, providing clarification on DFI Issues



Transport Assessment Addendum

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

Job No: 19-179

Planning ref: **LA07/2020/0485/F**

Date: 08/11/2022

Executive Summary

This Transport Assessment Addendum (TAA) has been prepared in response to the Department for Infrastructure (DfI) Roads consultation reply dated 14th October 2022 and the Newry, Mourne and Down Council planning Case Officers Addendum report, in relation to planning application reference LA07/2020/0485/F - Major city centre mixed use development scheme comprising of circa 864 m of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

This report provides additional technical information and expands on the conclusions of the previously submitted Transport Assessment (TA).

This TAA has demonstrated that the DfI Roads / Case Officer's report presented the need for clarification or additional assessment of the following areas:

DfI Roads Consultation and NM&D Case Officers report

- Clarification on the derivation of Proposed Residential Development Trip Rates
- Extension of the Traffic Impact Assessment to include the proposed Retail and Office Units
- Justification of the trip distribution associated with the proposed office and retail units.

Transport Assessment Addendum

Introduction

This TAA has been prepared in support of Planning Application reference LA07/2020/0485/F, associated with the proposed erection of a new mixed-use city centre development to include residential, office and retail space within Newry.

Kevin McShane Ltd undertook a Transport Assessment (TA) in support of this application in August 2022

The TA provided a comprehensive review of all the potential transport impacts of the proposed development. The assessment concluded that:

- The development is well situated in relation to the local highway network and benefits from its close proximity to the strategic road network and good links to the main routes through Newry and surrounding urban centres;
- The proposed site benefits from its proximity to existing sustainable transport modes including public transport infrastructure and good walking and cycling links to/ from the site;
- A review of historical road traffic collisions at the site highlighted that the proposed development is unlikely to have a discernible impact on road safety;
- A traffic impact assessment was undertaken to encompass the local junctions in the vicinity of the development site, namely:
 - Dunnes Stores/Newry Health Village/ Corn Market retail Park mini-roundabout;
 - Corn Market/ A2 Merchants Quay Junction;
 - Francis Street/ Corn Market Junction; and
 - A2 Merchants Quay/ Mill Street/ Buttercrane Quay/ Francis Street Junction
 - Merchant's Quay/ Monaghan Street junction; and
 - William Street/ Buttercrane Quay/ Bridge Street/ Fathom Line junction;
- The operational capacity of any junctions requiring further assessment was undertaken using the JUNCTIONS 8 software programme;
- The operational assessment concluded that the site access would operate well within acceptable capacity thresholds to a proposed future design year 2039; and
- The proposed development accords with the requirements of relevant national and local transport policy and will not result in a detrimental impact on the local road network.

As part of the planning application consideration process, the Department for Infrastructure Roads (DfI Roads) were consulted to review the contents, processes and conclusions of the TA.

DfI Roads provided a formal written response to the TA in October 2022.

This TAA will set out the comments raised by DfI Roads and Newry, Mourne and Down Council planning Department and will provide additional technical information and/ or clarifications in support of the assessment of the impact of the proposed development in transport terms. This TAA should be considered in conjunction with the previously prepared TA.

Transport Assessment Addendum

Transport Assessment Addendum

This section of the TAA will discuss each of the points raised by DfI Roads and Newry, Mourne and Down Council planning Department and provide supplementary information where appropriate.

Document reference within the remainder of this TAA is consistent with those provided in the DfI Roads consultation response and council planning report for ease of reference.

DfI Roads Consultation – 14/10/2022

2. a *“The consultant should provide the TRICS outputs for the residential units to allow the trip rates to be checked. If applicable, all the relevant traffic flow diagrams should be amended to take account of changes to the arrivals and departures in the AM peak hour (the consultant has shown 25 arrivals and 10 departures in the AM peak hour, whereas DfI Roads have found that there would be approx. 10 arrivals and 25 departures.)”*

KMS Response

TRICS Database PDF outputs for the proposed residential development elements of the site are included at **Appendix 1** of this report. The PDF outputs confirm that the AM Peak Hour arrivals and Departures provided in the Transport Assessment (TA) have been correctly derived from the database.

2. b *“A gravity model should be used to justify the origin and destination of the trips generated by the proposed office and retail space. The impact of these trips on the road network should be assessed in detail in a revised TA.”*

KMS Response

Trip Generation - Addendum

The traffic generated by the retail and office elements of the proposed development have been established by reference to the TRICS database (v7.9.3) and the accompanying “TRICS Good Practice Guide – 2022”.

The calculation of the number of trips (total vehicular) that will arrive and depart the site has been calculated using the following Land Uses within the TRICS database.

- **01/O – Retail/ Convenience Store.** *“Small “corner shop” style store or small “local” version of a major retailer store, selling various items which may include groceries, newspapers and magazines, confectionery, and household products. Trip rates are calculated by Gross Floor Area, Retail Floor Area, or Employees.”*
- **02/A – Employment/ Office.** *“Single office building. May include a number of different organisations within the same building. If there is more than one building, then only include if the buildings belong to the same organisation. If there are different buildings for separate organisations then include as 02/B. Trip rates are calculated by Gross Floor Area, or Employees.”*

Table 1 provides the AM and PM peak hour 85th percentile TRICS database outputs and extrapolated trip generations.

Transport Assessment Addendum

Table 1 - 85th Percentile Weekday AM/PM Peak Hour Vehicle Trips (Retail/ Office)

Land Use	GFA	Peak	Trip Rates		Generated Trips		
			Arr	Dep	Arr	Dep	Total
01 - Retail/ O - Convenience Store	572.3	AM Peak Hour - 0800-0900	8.219	5.936	47	34	81
		PM Peak Hour - 1700-1800	9.333	14.4	53	82	136
02 - Employment/ A - Office	1368.5	AM Peak Hour - 0830-0930	0.957	0.048	13	1	14
		PM Peak Hour - 1700-1800	0.144	0.766	2	10	12

All outputs extracted from the TRICS database are included in **Appendix 2**

Trip Distribution - Addendum

This section outlines the methodology adopted for the derivation of the trip distribution assumptions, associated with the retail and office elements of the development proposals and summarises the results of the analysis.

On-site parking will only be provided for the residential units of the site. No parking will be allocated to the retail/ office units. Accordingly, traffic generation associated with these uses will not access the site but will be consistent with other city centre developments of this nature.

Parking for the proposed retail and offices uses will be accommodated within existing available spare capacity around Newry. Accordingly, the vehicle arrivals and departures associated with these land uses will be dispersed through the city to available car parks in the vicinity of the development site.

Figure 1 highlights the local car parks identified for retail and office site users. Retail parking has been identified in line with other local retail car parks, office parking has been defined using council/ long-stay car parks.

Transport Assessment Addendum

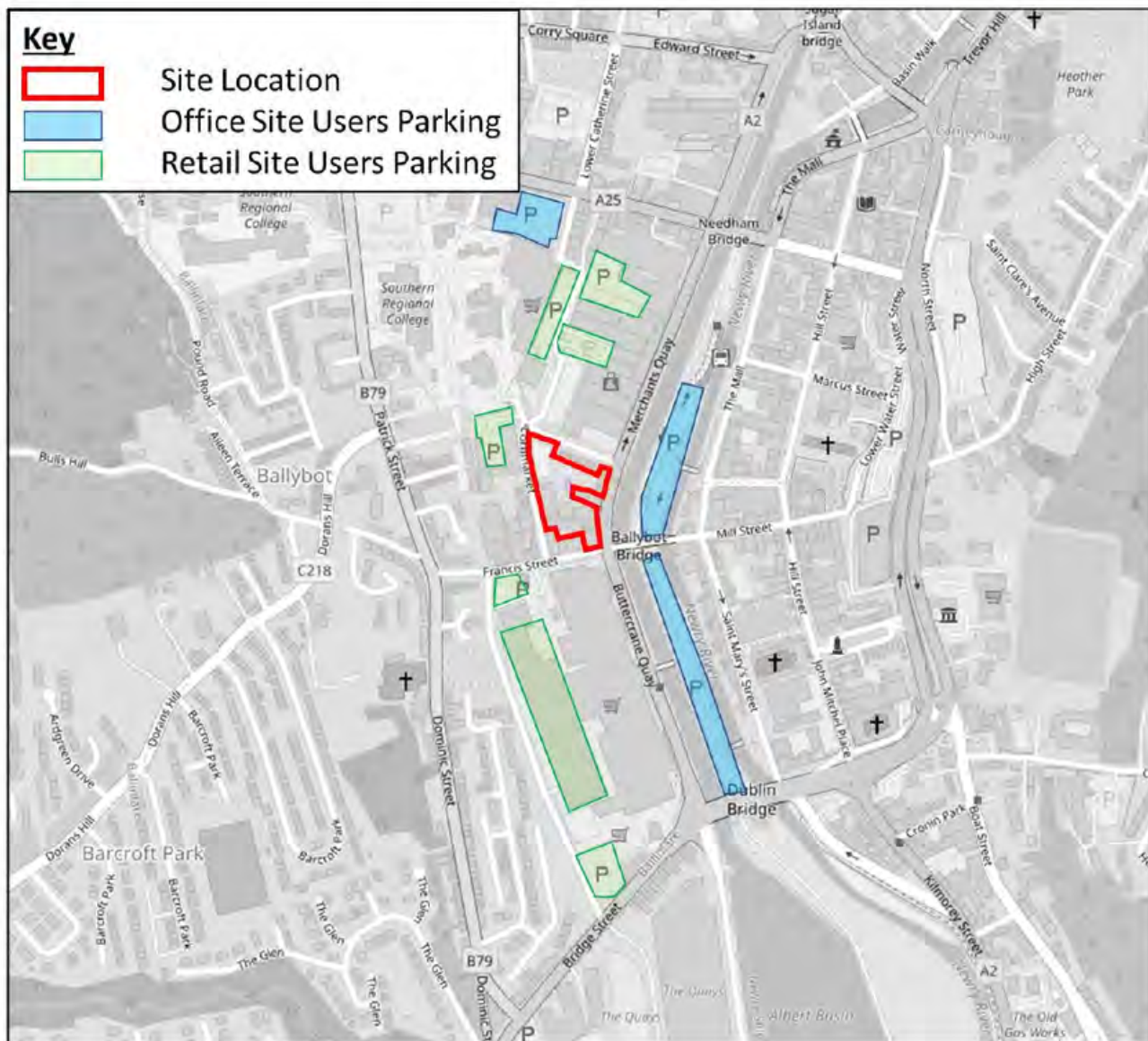


Figure 1 - Off-Site Retail and Office Parking

Traffic surveys have been carried out at various junctions surrounding the proposal to determine the actual traffic flow and the existing direction of traffic on the road network surrounding the site. This traffic information has been utilised to derive the anticipated distribution of traffic to/from the off-site car parks.

The distribution of retail and office development traffic throughout the local road network for the AM and PM peak hours is illustrated in Figure 2 and Figure 3.

Transport Assessment Addendum

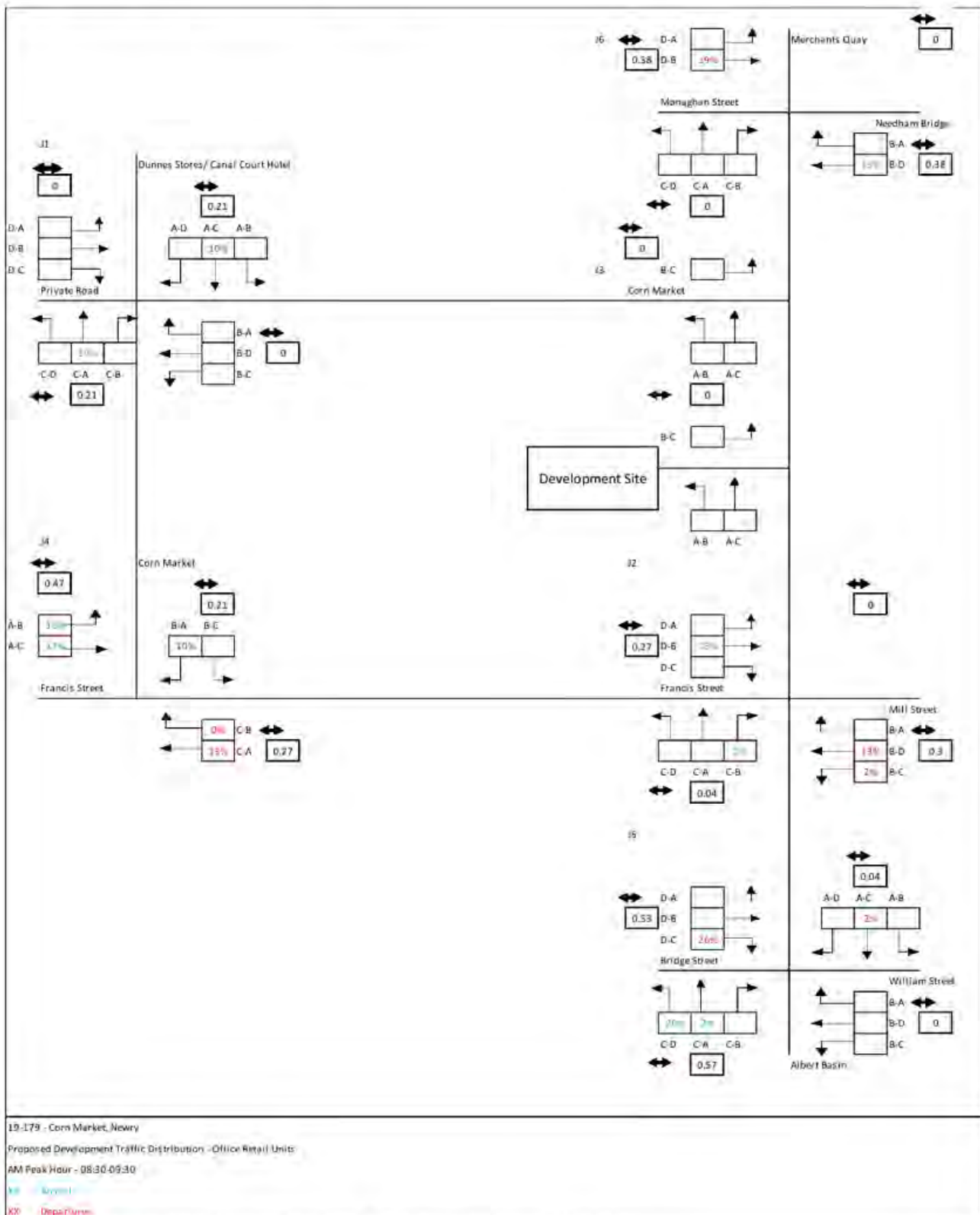


Figure 2 - Proposed Distribution of Retail/ Office Traffic – AM Peak Hour 0830-0930

Transport Assessment Addendum

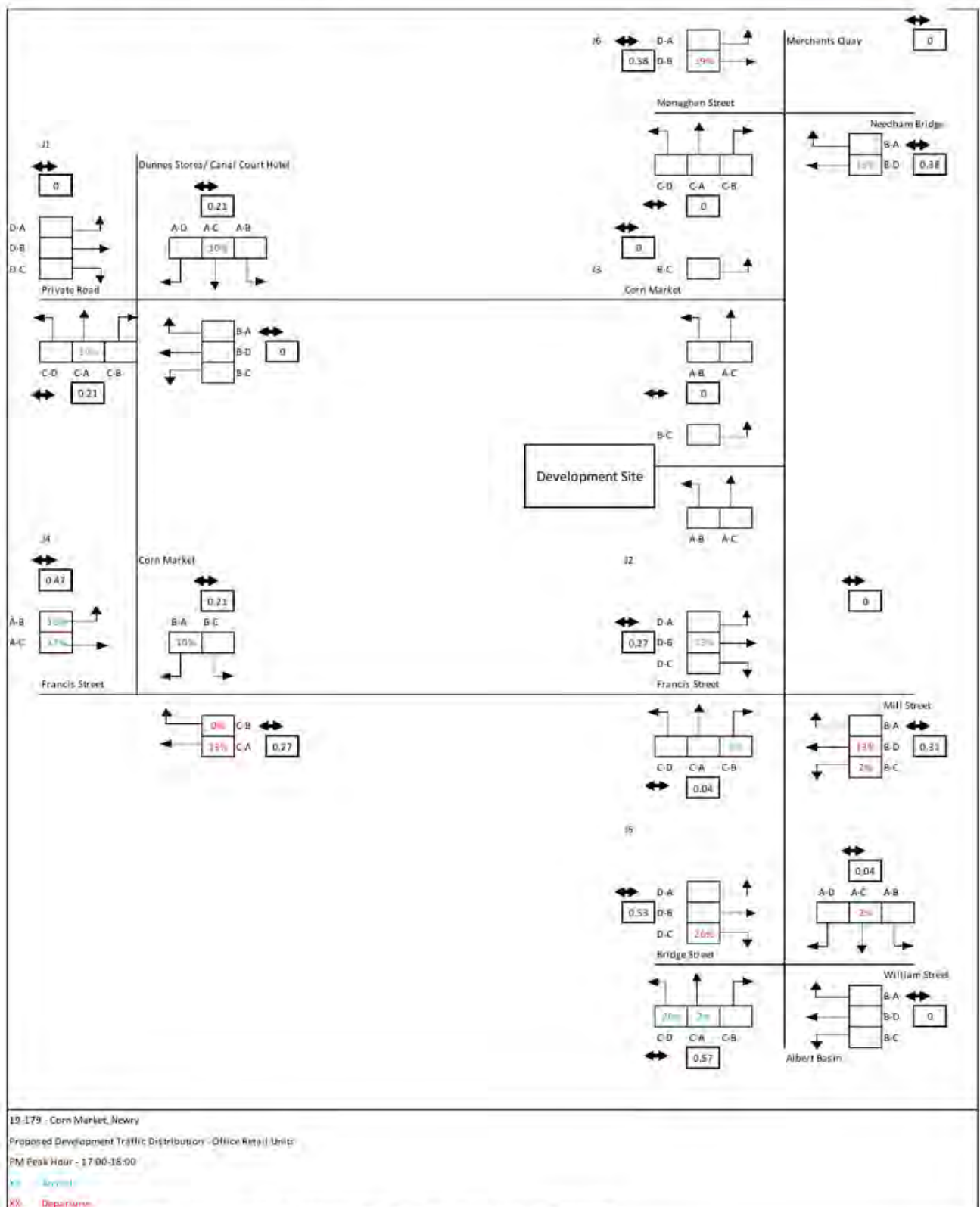


Figure 3 - Proposed Distribution of Retail/ Office Traffic – PM Peak Hour 1700-1800

Transport Assessment Addendum

Noted from the distribution diagrams that a portion of the development traffic will avail of car parks beyond the extent of the assessed junction network (Canal Bank 1 and Canal Bank 2 car parks).

Proposed retail and office trips arriving to the car parks from the east (Mill Street) of the site consequently will not impact the assessed junction network.

However, to provide a robust assessment of the vehicular impact of the development proposals we have included a portion of this traffic within the vehicle departure distributions.

Updated Traffic Flow Diagrams are included at **Appendix 3**.

2. c *"The distribution and assignment of trips associated with the office and retail space should be shown in a revised TA. The cumulative impact of trips generated by the residential units, the office and the retail space on the surrounding junctions should be assessed in detail."*

KMS Response

Traffic Impact - Addendum

The *"Transport Assessment – Guidelines for Development Proposals in Northern Ireland"* (paragraph 4.73) provides guidance on the assessment of traffic impacts of new developments. In particular, the document refers to the CIHT document *"Traffic Impact Assessment"* which recommends that a detailed traffic impact assessment is required (paragraph 3.1.5) where one or other of the following thresholds are exceeded:

- Traffic to and from the development exceeds 10% of the existing two-way traffic flow on the adjoining highway; and
- The development traffic exceeds 5% of the existing two-way traffic flow on the adjoining highway where traffic congestion exists or will exist within the assessment period or in other sensitive locations.

In line with guidance and in order to inform a robust assessment the following junctions will be assessed in accordance with the following thresholds.

- J1 - Dunnes Stores/Newry Health Village/ Corn Market retail Park mini-roundabout
10% impact threshold
- J2 - A2 Merchants Quay/ Mill Street/ Buttercrane Quay/ Francis Street Junction
5% impact threshold
- J3 - Corn Market/ A2 Merchants Quay Junction
10% impact threshold
- J4 - Francis Street/ Corn Market Junction
10% impact threshold
- J5 - William Street/ Buttercrane Quay/ Bridge Street/ Fathom Line junction
5% impact threshold
- J6 - Merchant's Quay/ Monaghan Street junction.
5% impact threshold

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Table 2 sets out the development traffic's potential impact at these junctions during the AM and PM peak periods when the vehicle trips associated with the retail and office elements of the development site are also included.

Traffic flow diagrams presenting the development's potential traffic impacts are included at **Appendix 3**.

Table 2 - Proposed Development (Including Office and Retail elements) Potential Traffic Impacts

Junction Link	Impact Threshold	AM Peak	PM Peak
J1 - Dunnes Stores/Newry Health Village/ Corn Market retail Park mini-roundabout			
Dunnes Stores/ Canal Court Access Road	10%	6.5%	9.6%
Retail Park		0.5%	0.4%
Corn Market		6.0%	5.9%
Newry Health Village		0.4%	0.3%
J2 - A2 Merchants Quay/ Mill Street/ Buttercrane Quay/ Francis Street Junction			
Merchants Quay	5%	4.1%	3.8%
Mill Street		3.7%	4.9%
Buttercrane Quay		1.8%	1.7%
Francis Street		1.8%	2.5%
J3 - Corn Market/ A2 Merchants Quay Junction			
Merchants Quay	10%	1.7%	2.1%
Corn Market		1.0%	0.8%
J4 - Francis Street/ Corn Market Junction			
Francis Street (W)	10%	2.9%	3.7%
Corn Market		3.4%	4.0%
Francis Street (E)		1.8%	2.3%
J5 - William Street/ Buttercrane Quay/ Bridge Street/ Fathom Line junction			
Buttercrane Quay	5%	4.9%	3.6%
William Street		0.1%	0.0%
Albert Basin		3.4%	4.9%
Bridge Street		2.0%	2.5%
J6 - Merchant's Quay/ Monaghan Street junction			
Merchants Quay (N)	5%	1.0%	1.2%
Needham Bridge		2.9%	4.9%
Merchnats Quay (S)		2.1%	2.3%
Monaghan Street		2.4%	3.8%

The results of the impact assessment shown in Table 2 indicate that other than the proposed site access, no additional junctions require further assessment.

Figure 4 and Figure 5 present an illustration of the traffic impact assessment on the local road network for the proposed weekday AM and PM peak hour periods.

Transport Assessment Addendum

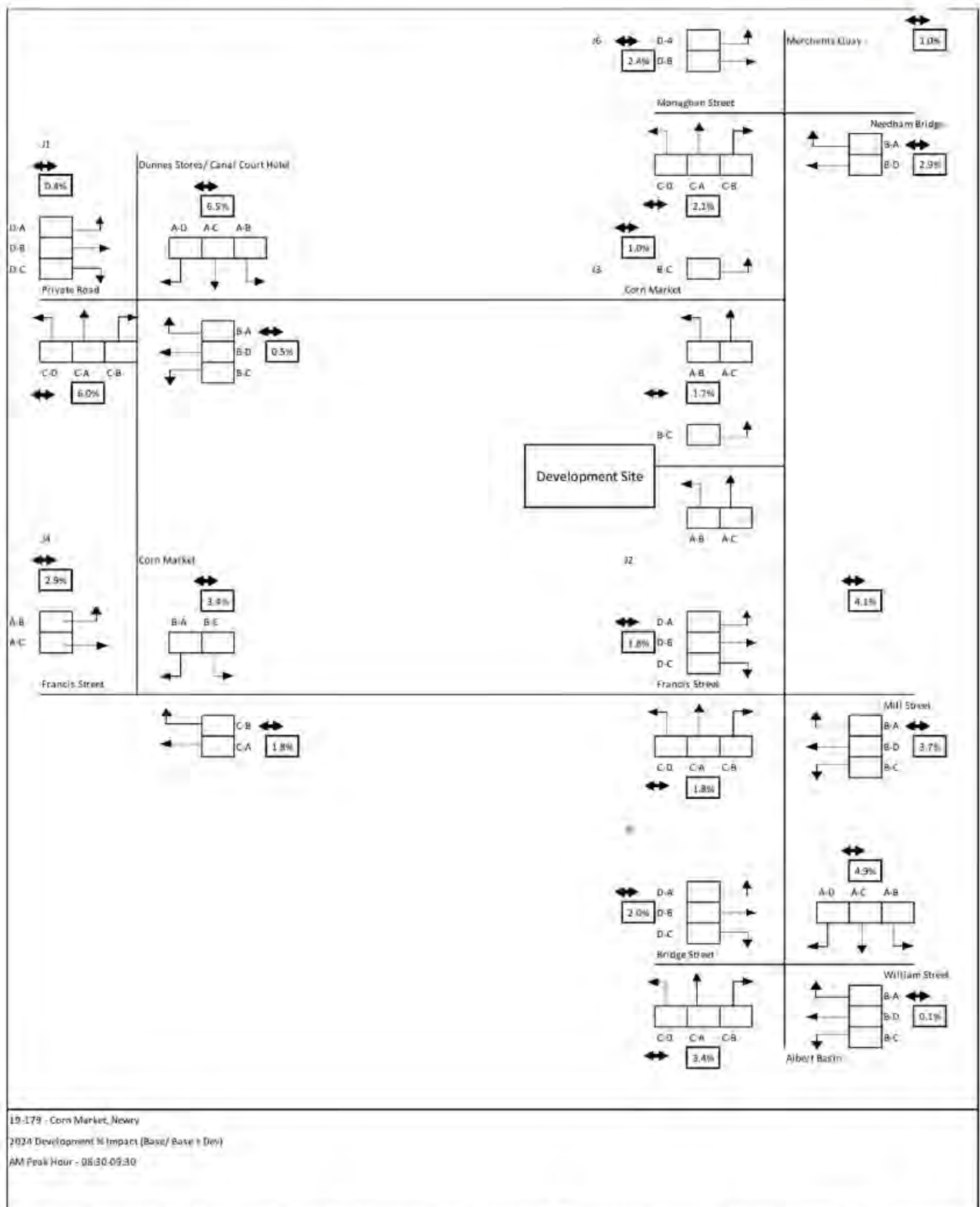


Figure 4 - Proposed Development (Including Office and Retail elements) Traffic Impact Assessment - AM Peak 0830-0930

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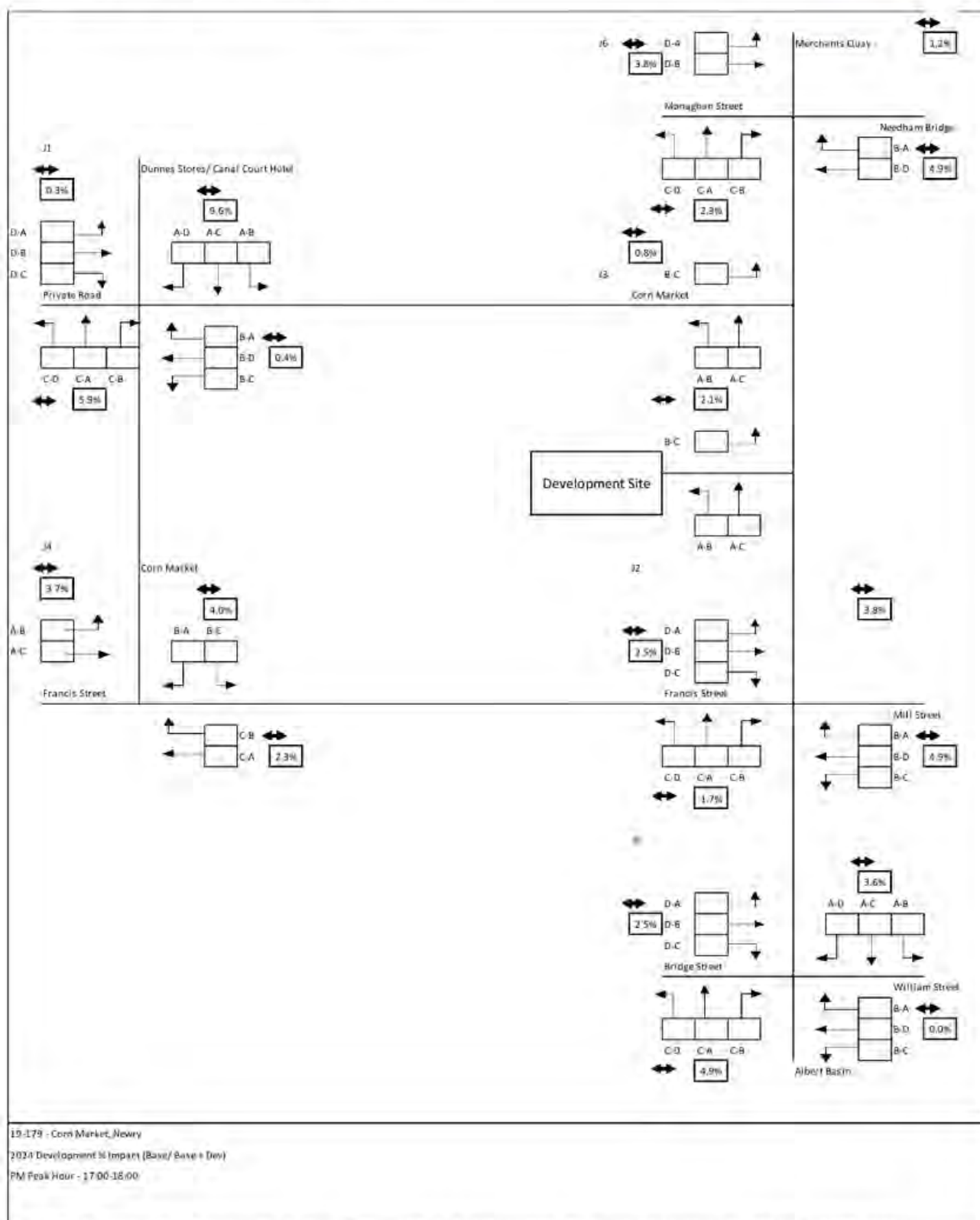


Figure 5 - Proposed Development (Including Office and Retail elements) Traffic Impact Assessment - PM Peak 17:00-18:00

Transport Assessment Addendum

Summary

This Transport Assessment Addendum has been provided in response to the Department for Infrastructure (DfI) Roads consultation reply dated 14th October 2022 and the Newry, Mourne and Down Council planning Case Officers Addendum report, in relation to planning application reference LA07/2020/0485/F - Major city centre mixed use development scheme comprising of circa 864 m of office space (incorporating the listed building located at No. 47 Merchants Quay, Newry); 518 .3 m Commercial Retail Space with associated ancillary service yard areas; 1no. coffee bar (54 m) (within the ground floor of the listed building); 73 (11no. 1-bedroom units and 62 no. 2-bedroom units) (private and social) together with associated landscaped areas, internal communal courtyard and car parking. Proposals include the associated demolition of Nos 46/49/50/51/52/53 & 54 Merchants Quay (located within Newry Conservation Area) and Nos 9/11/13/15 & 17 Cornmarket, Newry.

This TAA has provided additional technical information and/ or clarifications to the points raised by DfI Roads/ Council Planners and should be considered in conjunction with the previously prepared TA.

The additional information provided within this report highlights that the conclusions of the previously submitted Transport Assessment remain unchanged.

An expansion of the traffic impact assessment to include the retail and office elements of the development proposals have found that the local junction network can accommodate the traffic generated by the proposals and is within the thresholds defined in the CIHT document "Traffic Impact Assessment" and the Transport Assessment Guidelines.

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Appendix 1

Proposed Residential Development TRICS Database Outputs

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : M - MIXED PRIVATE/AFFORDABLE HOUSING

TOTAL VEHICLESSelected regions and areas:

03 SOUTH WEST		
BA BATH & NORTH EAST SOMERSET		1 days
WL WILTSHIRE		1 days
05 EAST MIDLANDS		
NT NOTTINGHAMSHIRE		1 days
09 NORTH		
DH DURHAM		1 days
TV TEES VALLEY		1 days
10 WALES		
MM MONMOUTHSHIRE		1 days
12 CONNAUGHT		
RO ROSCOMMON		1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: No of Dwellings
 Actual Range: 22 to 141 (units:)
 Range Selected by User: 9 to 1702 (units:)

Parking Spaces Range: All Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: include all surveys

Date Range: 01/01/00 to 30/11/20

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	3 days
Tuesday	1 days
Wednesday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	7 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	2
Edge of Town Centre	5

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	3
Built-Up Zone	2
High Street	1
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:

Use Class:

C3 7 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	2 days
5,001 to 10,000	2 days
10,001 to 15,000	1 days
15,001 to 20,000	1 days
25,001 to 50,000	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,000 or Less	1 days
25,001 to 50,000	2 days
50,001 to 75,000	1 days
75,001 to 100,000	2 days
250,001 to 500,000	1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	5 days
1.1 to 1.5	2 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 7 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present 7 days

This data displays the number of selected surveys with PTAL Ratings.

Covid-19 Restrictions	Yes	At least one survey within the selected data set was undertaken at a time of Covid-19 restrictions
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LIST OF SITES relevant to selection parameters

1	BA-03-M-01	NELSON WARD DRIVE	BATH & NORTH EAST SOMERSET
	FROME ROAD		
	RADSTOCK		
	Edge of Town Centre		
	No Sub Category		
	Total No of Dwellings:	141	
	Survey date: TUESDAY	02/10/18	Survey Type: MANUAL
2	DH-03-M-01	SEMI DETACHED/ FLATS	DURHAM
	CHURCH STREET		
	DURHAM		
	Edge of Town Centre		
	Built-Up Zone		
	Total No of Dwellings:	49	
	Survey date: MONDAY	09/06/03	Survey Type: MANUAL
3	MM-03-M-01	SEMI DETACHED HOUSES	MONMOUTHSHIRE
	SANDY LANE		
	CALDICOT		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	34	
	Survey date: MONDAY	30/11/20	Survey Type: MANUAL
4	NT-03-M-01	BLOCK OF FLATS	NOTTINGHAMSHIRE
	PLUMPTRE STREET		
	NOTTINGHAM		
	Town Centre		
	Built-Up Zone		
	Total No of Dwellings:	44	
	Survey date: MONDAY	22/11/10	Survey Type: MANUAL
5	RO-03-M-01	SEMI-DET.	ROSCOMMON
	WOODSIDE PARK		
	BALLAGHADEREEN		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	24	
	Survey date: WEDNESDAY	13/05/09	Survey Type: MANUAL
6	TV-03-M-01	TERRACED HOUSES & FLATS	TEES VALLEY
	MARITIME AVENUE		
	HARTLEPOOL		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	133	
	Survey date: FRIDAY	04/09/20	Survey Type: MANUAL
7	WL-03-M-01	APARTMENTS	WILTSHIRE
	FISHERTON STREET		
	SALISBURY		
	Town Centre		
	High Street		
	Total No of Dwellings:	22	
	Survey date: WEDNESDAY	27/11/13	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMCS

Licence No: 652801

RANK ORDER for Land Use 03 - RESIDENTIAL/M - MIXED PRIVATE/AFFORDABLE HOUSING

TOTAL VEHICLESRanking Type: **TOTALS** Time Range: 08:00-09:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **6** TV-03-M-01 Tot: 0.09885th Percentile = No. **2** DH-03-M-01 Tot: 0.490Median Values

Arrivals: 0.088

Departures: 0.265

Totals: 0.353

Mean Values

Arrivals: 0.174

Departures: 0.173

Totals: 0.347

Rank	Site-Ref	Description	Town/City	Area	DWELLS	Day	Date	Trip Rate (Sorted by Totals)			Park Spaces Per Dwelling
								Arrivals	Departures	Totals	
1	RO-03-M-01	SEMI-DET.	BALLAGHADEREEN	ROSCOMMON	24	Wed	13/05/09	0.500	0.292	0.792	3.25
2	DH-03-M-01	SEMI DETACHED/	DURHAM	DURHAM	49	Mon	09/06/03	0.347	0.143	0.490	
3	BA-03-M-01	NELSON WARD DR	RADSTOCK	BATH & NORTH EAST S	141	Tue	02/10/18	0.142	0.284	0.426	1.81
4	MM-03-M-01	SEMI DETACHED	CALDICOT	MONMOUTHSHIRE	34	Mon	30/11/20	0.088	0.265	0.353	1.29
5	WL-03-M-01	APARTMENTS	SALISBURY	WILTSHIRE	22	Wed	27/11/13	0.091	0.091	0.182	0.59
6	TV-03-M-01	TERRACED HOUSE	HARTLEPOOL	TEES VALLEY	133	Fri	04/09/20	0.030	0.068	0.098	0.95
7	NT-03-M-01	BLOCK OF FLATS	NOTTINGHAM	NOTTINGHAMSHIRE	44	Mon	22/11/10	0.023	0.068	0.091	1.18

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m² GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : M - MIXED PRIVATE/AFFORDABLE HOUSING

TOTAL VEHICLESSelected regions and areas:

03 SOUTH WEST	
BA BATH & NORTH EAST SOMERSET	1 days
WL WILTSHIRE	1 days
05 EAST MIDLANDS	
NT NOTTINGHAMSHIRE	1 days
09 NORTH	
DH DURHAM	1 days
TV TEES VALLEY	1 days
10 WALES	
MM MONMOUTHSHIRE	1 days
12 CONNAUGHT	
RO ROSCOMMON	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: No of Dwellings
 Actual Range: 22 to 141 (units:)
 Range Selected by User: 9 to 1702 (units:)

Parking Spaces Range: All Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/00 to 30/11/20

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	3 days
Tuesday	1 days
Wednesday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	7 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	2
Edge of Town Centre	5

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	3
Built-Up Zone	2
High Street	1
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:

Use Class:

C3 7 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	2 days
5,001 to 10,000	2 days
10,001 to 15,000	1 days
15,001 to 20,000	1 days
25,001 to 50,000	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,000 or Less	1 days
25,001 to 50,000	2 days
50,001 to 75,000	1 days
75,001 to 100,000	2 days
250,001 to 500,000	1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	5 days
1.1 to 1.5	2 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 7 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present 7 days

This data displays the number of selected surveys with PTAL Ratings.

Covid-19 Restrictions	Yes	At least one survey within the selected data set was undertaken at a time of Covid-19 restrictions
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LIST OF SITES relevant to selection parameters

1	BA-03-M-01	NELSON WARD DRIVE	BATH & NORTH EAST SOMERSET
	FROME ROAD		
	RADSTOCK		
	Edge of Town Centre		
	No Sub Category		
	Total No of Dwellings:	141	
	Survey date: TUESDAY	02/10/18	Survey Type: MANUAL
2	DH-03-M-01	SEMI DETACHED/ FLATS	DURHAM
	CHURCH STREET		
	DURHAM		
	Edge of Town Centre		
	Built-Up Zone		
	Total No of Dwellings:	49	
	Survey date: MONDAY	09/06/03	Survey Type: MANUAL
3	MM-03-M-01	SEMI DETACHED HOUSES	MONMOUTHSHIRE
	SANDY LANE		
	CALDICOT		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	34	
	Survey date: MONDAY	30/11/20	Survey Type: MANUAL
4	NT-03-M-01	BLOCK OF FLATS	NOTTINGHAMSHIRE
	PLUMPTRE STREET		
	NOTTINGHAM		
	Town Centre		
	Built-Up Zone		
	Total No of Dwellings:	44	
	Survey date: MONDAY	22/11/10	Survey Type: MANUAL
5	RO-03-M-01	SEMI-DET.	ROSCOMMON
	WOODSIDE PARK		
	BALLAGHADEREEN		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	24	
	Survey date: WEDNESDAY	13/05/09	Survey Type: MANUAL
6	TV-03-M-01	TERRACED HOUSES & FLATS	TEES VALLEY
	MARITIME AVENUE		
	HARTLEPOOL		
	Edge of Town Centre		
	Residential Zone		
	Total No of Dwellings:	133	
	Survey date: FRIDAY	04/09/20	Survey Type: MANUAL
7	WL-03-M-01	APARTMENTS	WILTSHIRE
	FISHERTON STREET		
	SALISBURY		
	Town Centre		
	High Street		
	Total No of Dwellings:	22	
	Survey date: WEDNESDAY	27/11/13	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMcS

Licence No: 652801

RANK ORDER for Land Use 03 - RESIDENTIAL/M - MIXED PRIVATE/AFFORDABLE HOUSING

TOTAL VEHICLES

Ranking Type: **TOTALS** Time Range: 17:00-18:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **6** TV-03-M-01 Tot: 0.195

85th Percentile = No. **2** BA-03-M-01 Tot: 0.517

Median Values

Arrivals: 0.235
 Departures: 0.088
 Totals: 0.323

Mean Values

Arrivals: 0.189
 Departures: 0.161
 Totals: 0.350

Rank	Site-Ref	Description	Town/City	Area	DWELLS	Day	Date	Trip Rate (Sorted by Totals)			Park Spaces Per Dwelling
								Arrivals	Departures	Totals	
1	RO-03-M-01	SEMI-DET.	BALLAGHADEREEN	ROSCOMMON	24	Wed	13/05/09	0.250	0.333	0.583	3.25
2	BA-03-M-01	NELSON WARD DR	RADSTOCK	BATH & NORTH EAST S	141	Tue	02/10/18	0.333	0.184	0.517	1.81
3	DH-03-M-01	SEMI DETACHED/	DURHAM	DURHAM	49	Mon	09/06/03	0.143	0.327	0.470	
4	MM-03-M-01	SEMI DETACHED	CALDICOT	MONMOUTHSHIRE	34	Mon	30/11/20	0.235	0.088	0.323	1.29
5	WL-03-M-01	APARTMENTS	SALISBURY	WILTSHIRE	22	Wed	27/11/13	0.136	0.091	0.227	0.59
6	TV-03-M-01	TERRACED HOUSE	HARTLEPOOL	TEES VALLEY	133	Fri	04/09/20	0.135	0.060	0.195	0.95
7	NT-03-M-01	BLOCK OF FLATS	NOTTINGHAM	NOTTINGHAMSHIRE	44	Mon	22/11/10	0.091	0.045	0.136	1.18

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m2 GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

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Appendix 2

Proposed Retail & Office Developments TRICS Database Outputs

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 01 - RETAIL
 Category : 0 - CONVENIENCE STORE
MULTI-MODAL TOTAL VEHICLES

Selected regions and areas:

01	GREATER LONDON	
	KN KENSINGTON AND CHELSEA	1 days
	WE WESTMINSTER	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	NY NORTH YORKSHIRE	1 days
	SY SOUTH YORKSHIRE	1 days
11	SCOTLAND	
	EB CITY OF EDINBURGH	2 days
	GC GLASGOW CITY	1 days
13	MUNSTER	
	TI TIPPERARY	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
 Actual Range: 96 to 1500 (units: sqm)
 Range Selected by User: 70 to 1500 (units: sqm)

Parking Spaces Range: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/01 to 25/09/19

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	1 days
Tuesday	2 days
Wednesday	3 days
Thursday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	9 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	9
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This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Built-Up Zone	7
High Street	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:Use Class:

Not Known	2 days
E(a)	7 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	1 days
5,001 to 10,000	2 days
25,001 to 50,000	1 days
50,001 to 100,000	4 days
100,001 or More	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000	2 days
75,001 to 100,000	1 days
100,001 to 125,000	1 days
250,001 to 500,000	2 days
500,001 or More	3 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.5 or Less	1 days
0.6 to 1.0	7 days
1.1 to 1.5	1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Petrol filling station:

Included in the survey count	0 days
Excluded from count or no filling station	9 days

This data displays the number of surveys within the selected set that include petrol filling station activity, and the number of surveys that do not.

Travel Plan:

Yes	1 days
No	8 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	7 days
6b (High) Excellent	2 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CA-01-O-02	LITTLE WAITROSE	CAMBRIDGESHIRE
		FITZROY STREET CAMBRIDGE	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1056 sqm
		Survey date: FRIDAY	12/07/13
			Survey Type: MANUAL
2	EB-01-O-01	SAINSBURY'S LOCAL	CITY OF EDINBURGH
		EARL GREY STREET EDINBURGH	
		Town Centre Built-Up Zone	
		Total Gross floor area:	350 sqm
		Survey date: THURSDAY	28/05/15
			Survey Type: MANUAL
3	EB-01-O-02	SAINSBURY'S LOCAL	CITY OF EDINBURGH
		ST ANDREW SQUARE EDINBURGH	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1500 sqm
		Survey date: THURSDAY	17/03/16
			Survey Type: MANUAL
4	GC-01-O-01	SAINSBURY'S CENTRAL	GLASGOW CITY
		BUCHANAN STREET GLASGOW	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1450 sqm
		Survey date: WEDNESDAY	25/06/14
			Survey Type: MANUAL
5	KN-01-O-01	SAINSBURY'S LOCAL	KENSINGTON AND CHELSEA
		QUEENSWAY BAYSWATER	
		Town Centre Built-Up Zone	
		Total Gross floor area:	300 sqm
		Survey date: MONDAY	22/06/15
			Survey Type: MANUAL
6	NY-01-O-01	SPAR	NORTH YORKSHIRE
		HIGH STREET BOROUGHBRIDGE	
		Town Centre High Street	
		Total Gross floor area:	96 sqm
		Survey date: WEDNESDAY	17/09/08
			Survey Type: MANUAL
7	SY-01-O-01	SAINSBURY'S LOCAL	SOUTH YORKSHIRE
		DIVISION STREET SHEFFIELD	
		Town Centre High Street	
		Total Gross floor area:	219 sqm
		Survey date: WEDNESDAY	12/12/12
			Survey Type: MANUAL
8	TI-01-O-01	COSTCUTTER	TIPPERARY
		FRIAR STREET THURLES	
		Town Centre High Street	
		Total Gross floor area:	375 sqm
		Survey date: TUESDAY	11/12/12
			Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

9	WE-01-O-01	SAINSBURY'S LOCAL	WESTMINSTER
		MORTIMER STREET FITZROVIA	
		Town Centre Built-Up Zone	
		Total Gross floor area:	550 sqm
		Survey date: TUESDAY	23/06/15
			Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMcS

Licence No: 652801

RANK ORDER for Land Use 01 - RETAIL/O - CONVENIENCE STORE

MULTI-MODAL TOTAL VEHICLES

Ranking Type: **TOTALS** Time Range: 08:00-09:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **8** EB-01-O-02 Tot: 1.534

85th Percentile = No. **2** SY-01-O-01 Tot: 14.155

Median Values

Arrivals: 1.793
 Departures: 0.966
 Totals: 2.759

Mean Values

Arrivals: 6.129
 Departures: 4.827
 Totals: 10.957

Rank	Site-Ref	Description	Town/City	Area	GFA	Day	Date	Trip Rate (Sorted by Totals)		
								Arrivals	Departures	Totals
1	NY-01-O-01	SPAR	BOROUGHBRIDGE	NORTH YORKSHIRE	96	Wed	17/09/08	36.458	31.250	67.708
2	SY-01-O-01	SAINSBURY'S LO	SHEFFIELD	SOUTH YORKSHIRE	219	Wed	12/ 12/ 12	8.219	5.936	14.155
3	TI-01-O-01	COSTCUTTER	THURLES	TIPPERARY	375	Tue	11/12/12	3.200	1.067	4.267
4	KN-01-O-01	SAINSBURY'S LO	BAYSWATER	KENSINGTON AND CHEL	300	Mon	22/06/15	2.000	1.333	3.333
5	GC-01-O-01	SAINSBURY'S CE	GLASGOW	GLASGOW CITY	1450	Wed	25/06/14	1.793	0.966	2.759
6	CA-01-O-02	LITTLE WAITROS	CAMBRIDGE	CAMBRIDGESHIRE	1056	Fri	12/07/13	0.947	0.947	1.894
7	WE-01-O-01	SAINSBURY'S LO	FITZROVIA	WESTMINSTER	550	Tue	23/06/15	0.909	0.909	1.818
8	EB-01-O-02	SAINSBURY'S LO	EDINBURGH	CITY OF EDINBURGH	1500	Thu	17/ 03/ 16	1.067	0.467	1.534
9	EB-01-O-01	SAINSBURY'S LO	EDINBURGH	CITY OF EDINBURGH	350	Thu	28/05/15	0.571	0.571	1.142

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m2 GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 01 - RETAIL
 Category : 0 - CONVENIENCE STORE
MULTI-MODAL TOTAL VEHICLES

Selected regions and areas:

01	GREATER LONDON	
	KN KENSINGTON AND CHELSEA	1 days
	WE WESTMINSTER	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	NY NORTH YORKSHIRE	1 days
	SY SOUTH YORKSHIRE	1 days
11	SCOTLAND	
	EB CITY OF EDINBURGH	2 days
	GC GLASGOW CITY	1 days
13	MUNSTER	
	TI TIPPERARY	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
 Actual Range: 96 to 1500 (units: sqm)
 Range Selected by User: 70 to 1500 (units: sqm)

Parking Spaces Range: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/01 to 25/09/19

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	1 days
Tuesday	2 days
Wednesday	3 days
Thursday	2 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	9 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	9
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This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Built-Up Zone	7
High Street	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:Use Class:

Not Known	2 days
E(a)	7 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	1 days
5,001 to 10,000	2 days
25,001 to 50,000	1 days
50,001 to 100,000	4 days
100,001 or More	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000	2 days
75,001 to 100,000	1 days
100,001 to 125,000	1 days
250,001 to 500,000	2 days
500,001 or More	3 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.5 or Less	1 days
0.6 to 1.0	7 days
1.1 to 1.5	1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Petrol filling station:

Included in the survey count	0 days
Excluded from count or no filling station	9 days

This data displays the number of surveys within the selected set that include petrol filling station activity, and the number of surveys that do not.

Travel Plan:

Yes	1 days
No	8 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	7 days
6b (High) Excellent	2 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CA-01-O-02	LITTLE WAITROSE	CAMBRIDGESHIRE
		FITZROY STREET CAMBRIDGE	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1056 sqm
		Survey date: FRIDAY	12/07/13
			Survey Type: MANUAL
2	EB-01-O-01	SAINSBURY'S LOCAL	CITY OF EDINBURGH
		EARL GREY STREET EDINBURGH	
		Town Centre Built-Up Zone	
		Total Gross floor area:	350 sqm
		Survey date: THURSDAY	28/05/15
			Survey Type: MANUAL
3	EB-01-O-02	SAINSBURY'S LOCAL	CITY OF EDINBURGH
		ST ANDREW SQUARE EDINBURGH	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1500 sqm
		Survey date: THURSDAY	17/03/16
			Survey Type: MANUAL
4	GC-01-O-01	SAINSBURY'S CENTRAL	GLASGOW CITY
		BUCHANAN STREET GLASGOW	
		Town Centre Built-Up Zone	
		Total Gross floor area:	1450 sqm
		Survey date: WEDNESDAY	25/06/14
			Survey Type: MANUAL
5	KN-01-O-01	SAINSBURY'S LOCAL	KENSINGTON AND CHELSEA
		QUEENSWAY BAYSWATER	
		Town Centre Built-Up Zone	
		Total Gross floor area:	300 sqm
		Survey date: MONDAY	22/06/15
			Survey Type: MANUAL
6	NY-01-O-01	SPAR	NORTH YORKSHIRE
		HIGH STREET BOROUGHBRIDGE	
		Town Centre High Street	
		Total Gross floor area:	96 sqm
		Survey date: WEDNESDAY	17/09/08
			Survey Type: MANUAL
7	SY-01-O-01	SAINSBURY'S LOCAL	SOUTH YORKSHIRE
		DIVISION STREET SHEFFIELD	
		Town Centre High Street	
		Total Gross floor area:	219 sqm
		Survey date: WEDNESDAY	12/12/12
			Survey Type: MANUAL
8	TI-01-O-01	COSTCUTTER	TIPPERARY
		FRIAR STREET THURLES	
		Town Centre High Street	
		Total Gross floor area:	375 sqm
		Survey date: TUESDAY	11/12/12
			Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

<p>9</p> <p>Town Centre Built-Up Zone</p> <p>Total Gross floor area: 550 sqm</p> <p>Survey date: TUESDAY 23/06/15</p>	<p>WE-01-O-01</p> <p>MORTIMER STREET FITZROVIA</p>	<p>SAINSBURY'S LOCAL</p>	<p>WESTMINSTER</p>	<p>Survey Type: MANUAL</p>
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This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMCS

Licence No: 652801

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RANK ORDER for Land Use 01 - RETAIL/O - CONVENIENCE STORE

MULTI-MODAL TOTAL VEHICLESRanking Type: **TOTALS** Time Range: 17:00-18:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **8** WE-01-O-01 Tot: 1.81885th Percentile = No. **2** TI-01-O-01 Tot: 23.733Median ValuesArrivals: 1.000
Departures: 2.000
Totals: 3.000Mean ValuesArrivals: 8.473
Departures: 9.348
Totals: 17.821

Rank	Site-Ref	Description	Town/City	Area	GFA	Day	Date	Trip Rate (Sorted by Totals)		
								Arrivals	Departures	Totals
1	NY-01-O-01	SPAR	BOROUGHBRIDGE	NORTH YORKSHIRE	96	Wed	17/09/08	55.208	54.167	109.375
2	TI-01-O-01	COSTCUTTER	THURLES	TIPPERARY	375	Tue	11/12/12	9.333	14.400	23.733
3	SY-01-O-01	SAINSBURY'S LO	SHEFFIELD	SOUTH YORKSHIRE	219	Wed	12/12/12	5.479	6.393	11.872
4	GC-01-O-01	SAINSBURY'S CE	GLASGOW	GLASGOW CITY	1450	Wed	25/06/14	1.793	3.310	5.103
5	KN-01-O-01	SAINSBURY'S LO	BAYSWATER	KENSINGTON AND CHEL	300	Mon	22/06/15	1.000	2.000	3.000
6	EB-01-O-02	SAINSBURY'S LO	EDINBURGH	CITY OF EDINBURGH	1500	Thu	17/03/16	1.400	1.533	2.933
7	CA-01-O-02	LITTLE WAITROS	CAMBRIDGE	CAMBRIDGESHIRE	1056	Fri	12/07/13	1.136	1.420	2.556
8	WE-01-O-01	SAINSBURY'S LO	FITZROVIA	WESTMINSTER	550	Tue	23/06/15	0.909	0.909	1.818
9	EB-01-O-01	SAINSBURY'S LO	EDINBURGH	CITY OF EDINBURGH	350	Thu	28/05/15	0.000	0.000	0.000

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m² GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 02 - EMPLOYMENT

Category : A - OFFICE

MULTI-MODAL TOTAL VEHICLESSelected regions and areas:

01	GREATER LONDON	
	CN CAMDEN	2 days
	EN ENFIELD	1 days
	HM HAMMERSMITH AND FULHAM	1 days
	LB LAMBETH	1 days
02	SOUTH EAST	
	SO SLOUGH	1 days
04	EAST ANGLIA	
	PB PETERBOROUGH	1 days
08	NORTH WEST	
	GM GREATER MANCHESTER	1 days
09	NORTH	
	TW TYNE & WEAR	1 days
11	SCOTLAND	
	EB CITY OF EDINBURGH	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
 Actual Range: 1800 to 26639 (units: sqm)
 Range Selected by User: 178 to 120000 (units: sqm)

Parking Spaces Range: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/14 to 28/06/22

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	3 days
Tuesday	4 days
Wednesday	2 days
Thursday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	10 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	10
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This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Built-Up Zone	8
High Street	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:Use Class:

Not Known	10 days
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This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Filter by Site Operations Breakdown:

All Surveys Included	
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Population within 500m Range:

All Surveys Included	
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Population within 1 mile:

25,001 to 50,000	5 days
50,001 to 100,000	3 days
100,001 or More	2 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

125,001 to 250,000	2 days
250,001 to 500,000	2 days
500,001 or More	6 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	8 days
1.1 to 1.5	1 days
1.6 to 2.0	1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	3 days
No	7 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	5 days
4 Good	1 days
6a Excellent	1 days
6b (High) Excellent	3 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CN-02-A-03	PLANNING & ENGINEERING	CAMDEN
	FITZROY STREET FITZROVIA		
	Town Centre Built-Up Zone		
	Total Gross floor area:	26639 sqm	
	Survey date: WEDNESDAY	06/12/17	Survey Type: MANUAL
2	CN-02-A-04	OFFICE	CAMDEN
	CHARTERHOUSE STREET FARRINGDON		
	Town Centre Built-Up Zone		
	Total Gross floor area:	20129 sqm	
	Survey date: TUESDAY	28/06/22	Survey Type: MANUAL
3	EB-02-A-06	REGUS OFFICES	CITY OF EDINBURGH
	ST ANDREW SQUARE EDINBURGH		
	Town Centre Built-Up Zone		
	Total Gross floor area:	4500 sqm	
	Survey date: WEDNESDAY	16/03/16	Survey Type: MANUAL
4	EN-02-A-01	MICROSOFT OFFICES	ENFIELD
	GENOTIN ROAD ENFIELD		
	Town Centre Built-Up Zone		
	Total Gross floor area:	6552 sqm	
	Survey date: TUESDAY	07/06/22	Survey Type: MANUAL
5	GM-02-A-08	REGUS	GREATER MANCHESTER
	FOUNTAIN STREET MANCHESTER		
	Town Centre Built-Up Zone		
	Total Gross floor area:	3960 sqm	
	Survey date: MONDAY	26/09/16	Survey Type: MANUAL
6	HM-02-A-01	REGUS OFFICES	HAMMERSMITH AND FULHAM
	QUEEN CAROLINE STREET HAMMERSMITH		
	Town Centre Built-Up Zone		
	Total Gross floor area:	2036 sqm	
	Survey date: MONDAY	13/11/17	Survey Type: MANUAL
7	LB-02-A-02	MUSIC COMPANY	LAMBETH
	STREATHAM HIGH ROAD STREATHAM		
	Town Centre High Street		
	Total Gross floor area:	3054 sqm	
	Survey date: TUESDAY	05/11/19	Survey Type: MANUAL
8	PB-02-A-03	OFFICES	PETERBOROUGH
	NEW ROAD PETERBOROUGH		
	Town Centre Built-Up Zone		
	Total Gross floor area:	8793 sqm	
	Survey date: TUESDAY	16/12/14	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

9	SO-02-A-01	COUNCIL OFFICES		SLOUGH
		HIGH STREET SLOUGH		
		Town Centre High Street		
		Total Gross floor area:	1800 sqm	
		Survey date: THURSDAY	27/02/14	Survey Type: MANUAL
10	TW-02-A-07	OFFICES		TYNE & WEAR
		MULGRAVE TERRACE GATESHEAD		
		Town Centre Built-Up Zone		
		Total Gross floor area:	2090 sqm	
		Survey date: MONDAY	13/06/16	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMCS

Licence No: 652801

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RANK ORDER for Land Use 02 - EMPLOYMENT/A - OFFICE

MULTI-MODAL TOTAL VEHICLESRanking Type: **TOTALS** Time Range: 08:00-09:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **9** HM-02-A-01 Tot: 0.09885th Percentile = No. **2** TW-02-A-07 Tot: 1.005Median Values

Arrivals: 0.194

Departures: 0.048

Totals: 0.241

Mean Values

Arrivals: 0.463

Departures: 0.058

Totals: 0.520

Rank	Site-Ref	Description	Town/City	Area	GFA	Day	Date	Trip Rate (Sorted by Totals)		
								Arrivals	Departures	Totals
1	SO-02-A-01	COUNCIL OFFICE	SLOUGH	SLOUGH	1800	Thu	27/02/14	2.167	0.333	2.500
2	TW-02-A-07	OFFICES	GATESHEAD	TYNE & WEAR	2090	Mon	13/ 06/ 16	0.957	0.048	1.005
3	EB-02-A-06	REGUS OFFICES	EDINBURGH	CITY OF EDINBURGH	4500	Wed	16/03/16	0.422	0.000	0.422
4	PB-02-A-03	OFFICES	PETERBOROUGH	PETERBOROUGH	8793	Tue	16/12/14	0.375	0.034	0.409
5	GM-02-A-08	REGUS	MANCHESTER	GREATER MANCHESTER	3960	Mon	26/09/16	0.303	0.025	0.328
6	CN-02-A-04	OFFICE	FARRINGDON	CAMDEN	20129	Tue	28/06/22	0.084	0.070	0.154
7	EN-02-A-01	MICROSOFT OFFI	ENFIELD	ENFIELD	6552	Tue	07/06/22	0.153	0.000	0.153
8	CN-02-A-03	PLANNING & ENG	FITZROVIA	CAMDEN	26639	Wed	06/12/17	0.116	0.019	0.135
9	HM-02-A-01	REGUS OFFICES	HAMMERSMITH	HAMMERSMITH AND FUL	2036	Mon	13/ 11/ 17	0.049	0.049	0.098
10	LB-02-A-02	MUSIC COMPANY	STREATHAM	LAMBETH	3054	Tue	05/11/19	0.000	0.000	0.000

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m² GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 02 - EMPLOYMENT

Category : A - OFFICE

MULTI-MODAL TOTAL VEHICLESSelected regions and areas:

01	GREATER LONDON	
	CN CAMDEN	2 days
	EN ENFIELD	1 days
	HM HAMMERSMITH AND FULHAM	1 days
	LB LAMBETH	1 days
02	SOUTH EAST	
	SO SLOUGH	1 days
04	EAST ANGLIA	
	PB PETERBOROUGH	1 days
08	NORTH WEST	
	GM GREATER MANCHESTER	1 days
09	NORTH	
	TW TYNE & WEAR	1 days
11	SCOTLAND	
	EB CITY OF EDINBURGH	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
 Actual Range: 1800 to 26639 (units: sqm)
 Range Selected by User: 178 to 120000 (units: sqm)

Parking Spaces Range: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/14 to 28/06/22

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	3 days
Tuesday	4 days
Wednesday	2 days
Thursday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	10 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	10
-------------	----

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Built-Up Zone	8
High Street	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:Use Class:

Not Known	10 days
-----------	---------

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Filter by Site Operations Breakdown:

All Surveys Included	
----------------------	--

Population within 500m Range:

All Surveys Included	
----------------------	--

Population within 1 mile:

25,001 to 50,000	5 days
50,001 to 100,000	3 days
100,001 or More	2 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

125,001 to 250,000	2 days
250,001 to 500,000	2 days
500,001 or More	6 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	8 days
1.1 to 1.5	1 days
1.6 to 2.0	1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	3 days
No	7 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	5 days
4 Good	1 days
6a Excellent	1 days
6b (High) Excellent	3 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CN-02-A-03	PLANNING & ENGINEERING	CAMDEN
	FITZROY STREET		
	FITZROVIA		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	26639 sqm	
	Survey date: WEDNESDAY	06/12/17	Survey Type: MANUAL
2	CN-02-A-04	OFFICE	CAMDEN
	CHARTERHOUSE STREET		
	FARRINGDON		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	20129 sqm	
	Survey date: TUESDAY	28/06/22	Survey Type: MANUAL
3	EB-02-A-06	REGUS OFFICES	CITY OF EDINBURGH
	ST ANDREW SQUARE		
	EDINBURGH		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	4500 sqm	
	Survey date: WEDNESDAY	16/03/16	Survey Type: MANUAL
4	EN-02-A-01	MICROSOFT OFFICES	ENFIELD
	GENOTIN ROAD		
	ENFIELD		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	6552 sqm	
	Survey date: TUESDAY	07/06/22	Survey Type: MANUAL
5	GM-02-A-08	REGUS	GREATER MANCHESTER
	FOUNTAIN STREET		
	MANCHESTER		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	3960 sqm	
	Survey date: MONDAY	26/09/16	Survey Type: MANUAL
6	HM-02-A-01	REGUS OFFICES	HAMMERSMITH AND FULHAM
	QUEEN CAROLINE STREET		
	HAMMERSMITH		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	2036 sqm	
	Survey date: MONDAY	13/11/17	Survey Type: MANUAL
7	LB-02-A-02	MUSIC COMPANY	LAMBETH
	STREATHAM HIGH ROAD		
	STREATHAM		
	Town Centre		
	High Street		
	Total Gross floor area:	3054 sqm	
	Survey date: TUESDAY	05/11/19	Survey Type: MANUAL
8	PB-02-A-03	OFFICES	PETERBOROUGH
	NEW ROAD		
	PETERBOROUGH		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	8793 sqm	
	Survey date: TUESDAY	16/12/14	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

9	SO-02-A-01	COUNCIL OFFICES		SLOUGH
		HIGH STREET SLOUGH		
		Town Centre High Street		
		Total Gross floor area:	1800 sqm	
		Survey date: THURSDAY	27/02/14	Survey Type: MANUAL
10	TW-02-A-07	OFFICES		TYNE & WEAR
		MULGRAVE TERRACE GATESHEAD		
		Town Centre Built-Up Zone		
		Total Gross floor area:	2090 sqm	
		Survey date: MONDAY	13/06/16	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

KMcS

Licence No: 652801

RANK ORDER for Land Use 02 - EMPLOYMENT/A - OFFICE

MULTI-MODAL TOTAL VEHICLES

Ranking Type: **TOTALS** Time Range: 17:00-18:00

WARNING: Using 85th and 15th percentile highlighted trip rates in data sets of under 20 surveys is not recommended by TRICS and may be misleading.

15th Percentile = No. **9** LB-02-A-02 Tot: 0.033

85th Percentile = No. **2** TW-02-A-07 Tot: 0.910

Median Values

Arrivals: 0.035
 Departures: 0.165
 Totals: 0.200

Mean Values

Arrivals: 0.081
 Departures: 0.422
 Totals: 0.503

Rank	Site-Ref	Description	Town/City	Area	GFA	Day	Date	Trip Rate (Sorted by Totals)		
								Arrivals	Departures	Totals
1	SO-02-A-01	COUNCIL OFFICE	SLOUGH	SLOUGH	1800	Thu	27/02/14	0.444	2.389	2.833
2	TW-02-A-07	OFFICES	GATESHEAD	TYNE & WEAR	2090	Mon	13/ 06/ 16	0.144	0.766	0.910
3	PB-02-A-03	OFFICES	PETERBOROUGH	PETERBOROUGH	8793	Tue	16/12/14	0.057	0.307	0.364
4	EN-02-A-01	MICROSOFT OFFI	ENFIELD	ENFIELD	6552	Tue	07/06/22	0.061	0.275	0.336
5	EB-02-A-06	REGUS OFFICES	EDINBURGH	CITY OF EDINBURGH	4500	Wed	16/03/16	0.044	0.178	0.222
6	GM-02-A-08	REGUS	MANCHESTER	GREATER MANCHESTER	3960	Mon	26/09/16	0.025	0.152	0.177
7	CN-02-A-03	PLANNING & ENG	FITZROVIA	CAMDEN	26639	Wed	06/12/17	0.008	0.083	0.091
8	CN-02-A-04	OFFICE	FARRINGDON	CAMDEN	20129	Tue	28/06/22	0.025	0.035	0.060
9	LB-02-A-02	MUSIC COMPANY	STREATHAM	LAMBETH	3054	Tue	05/ 11/ 19	0.000	0.033	0.033
10	HM-02-A-01	REGUS OFFICES	HAMMERSMITH	HAMMERSMITH AND FUL	2036	Mon	13/11/17	0.000	0.000	0.000

This section displays actual (not average) trip rates for each of the survey days in the selected set, and ranks them in order of relative trip rate intensity, for a given time period (or peak period irrespective of time) selected by the user. The count type and direction are both displayed just above the table, along with the rows within the table representing the 85th and 15th percentile trip rate figures (highlighted in bold within the table itself).

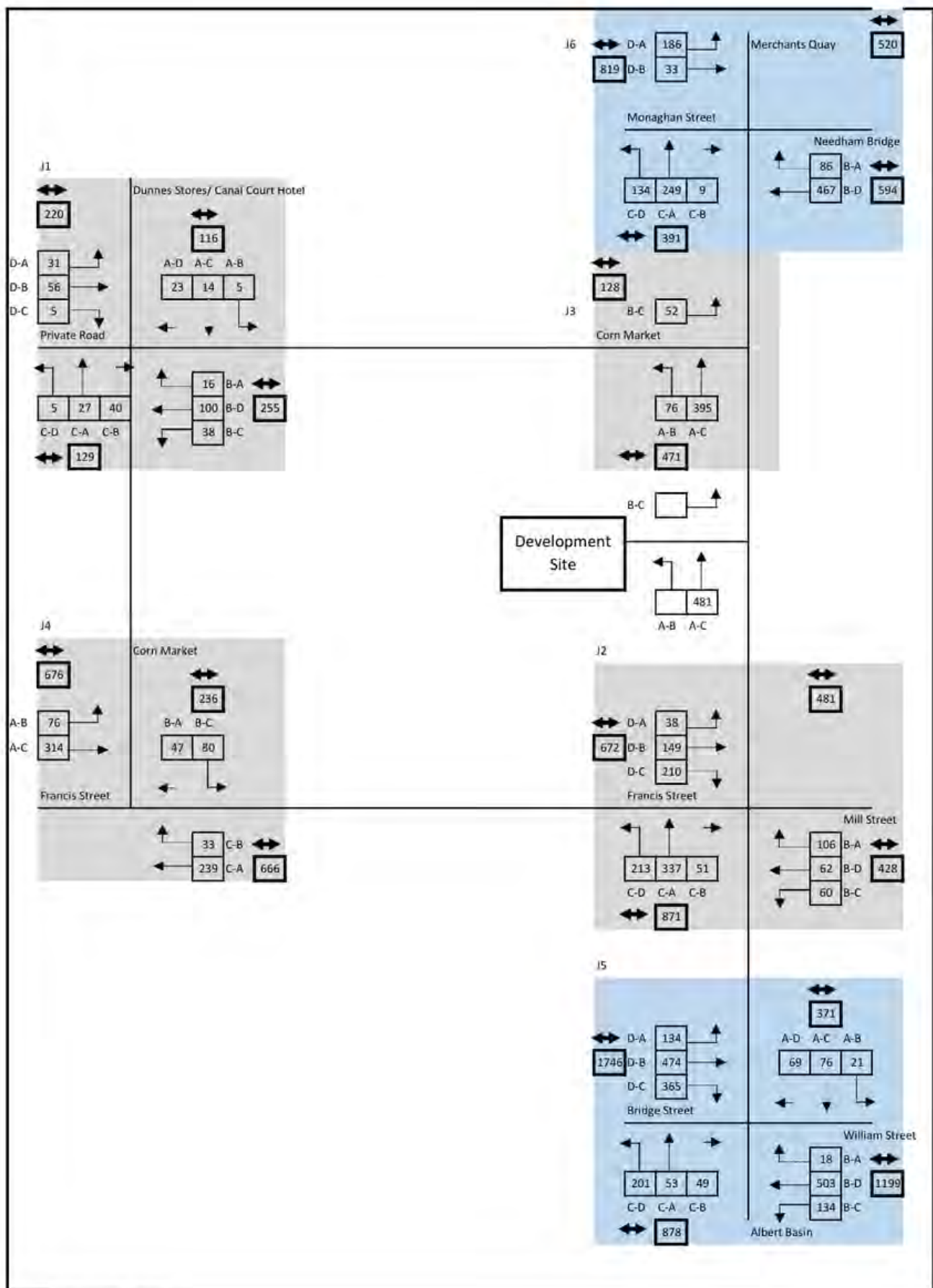
The table itself displays details of each individual survey, alongside arrivals, departures and totals trip rates, sorted by whichever of the three directional options has been chosen by the user. As with the preceding trip rate calculation results table, the trip rates shown are per the calculation factor (e.g. per 100m2 GFA, per employee, per hectare, etc). Note that if the peak period option has been selected (as opposed to a specific chosen time period), the peak period for each individual survey day in the table is also displayed.

Transport Assessment Addendum

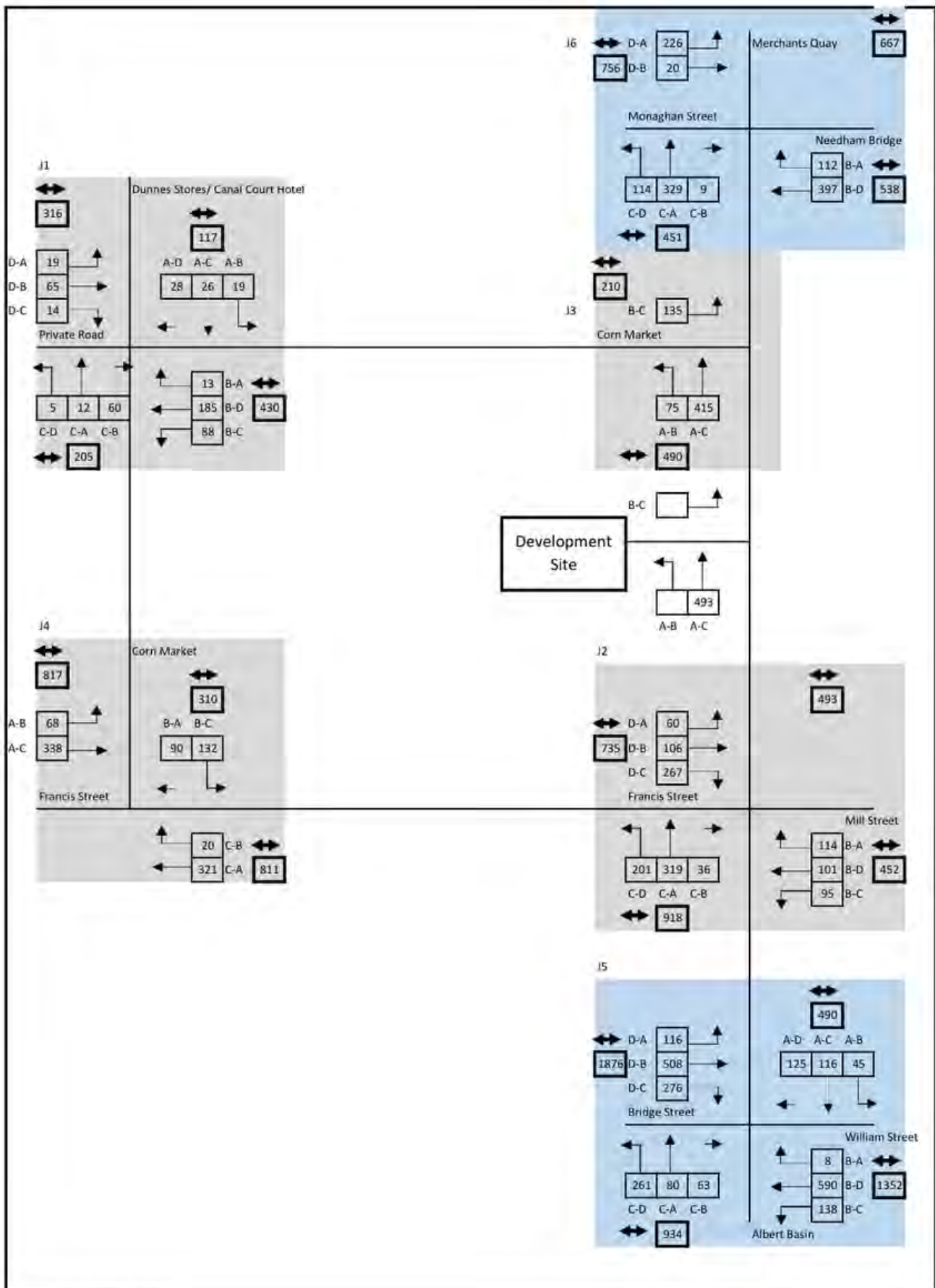


Appendix 3

Updated Traffic Flow Information



19-179 - Corn Market, Newry
 2021-2022 Existing Vehicle Flows (PCU)
 AM Peak Hour - 08:30-09:30
 2021 Survey
 2022 Survey



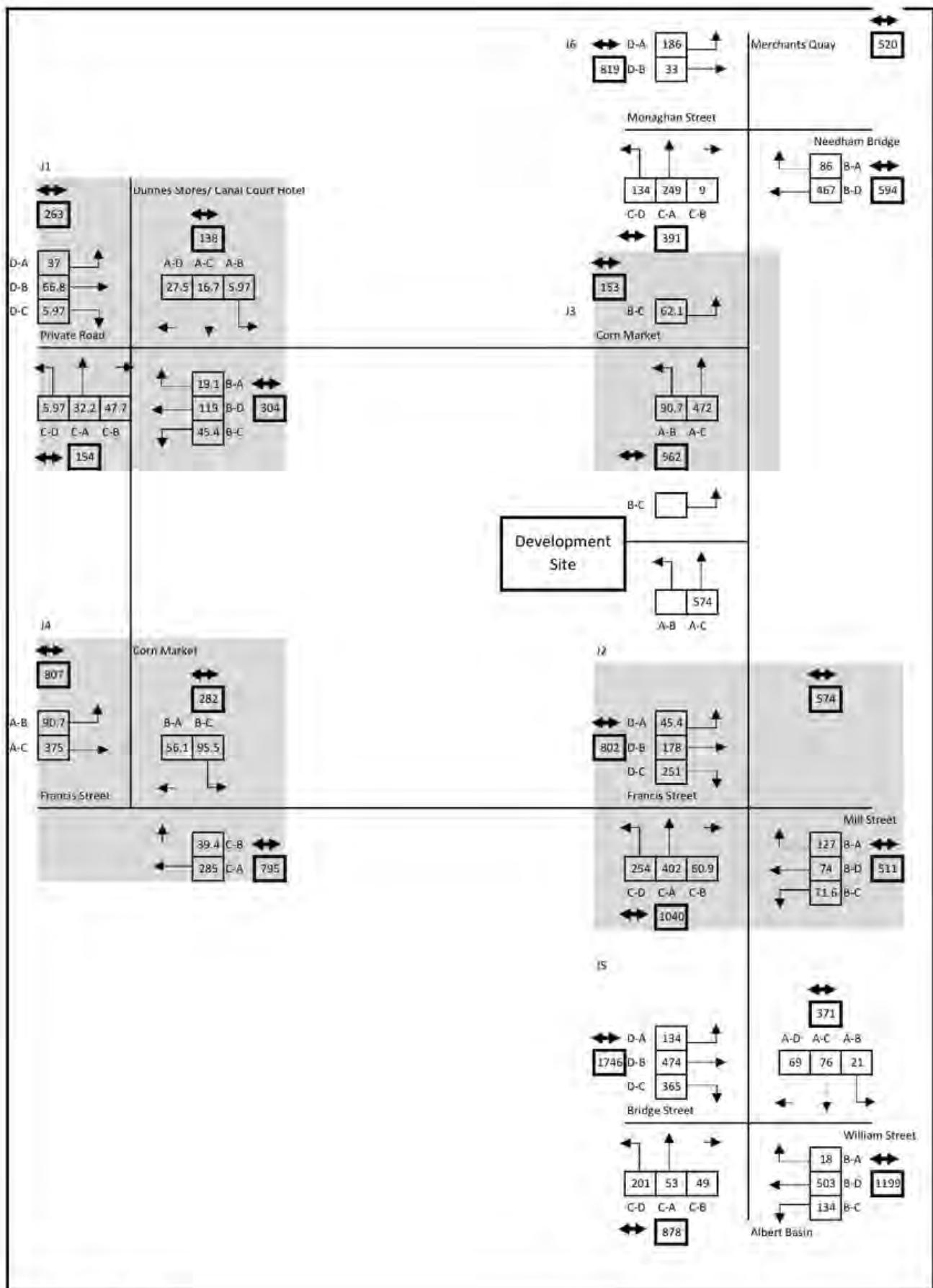
19-179 - Corn Market, Newry

2021-2022 Existing Vehicle Flows (PCU)

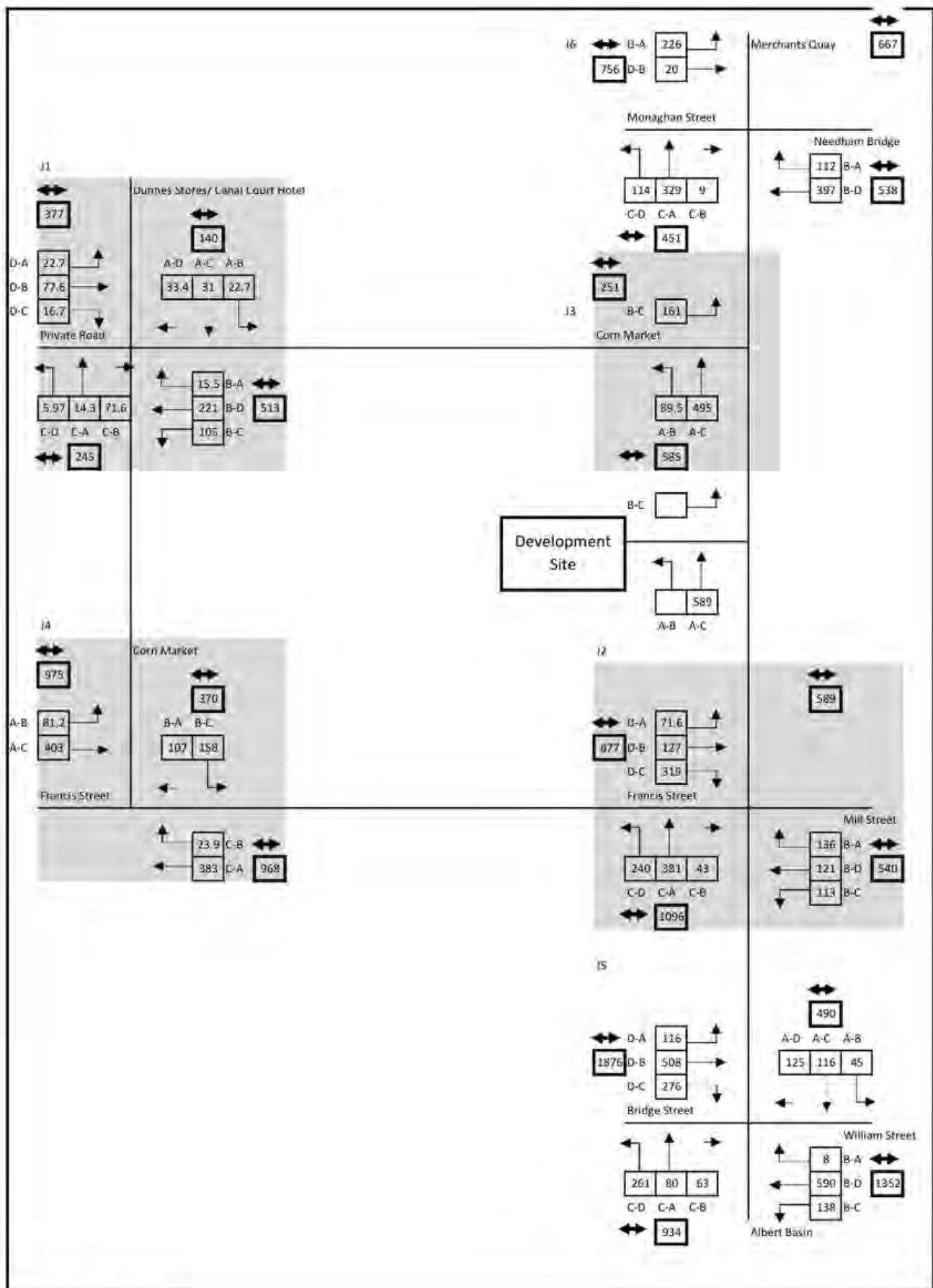
PM Peak Hour - 17:00-18:00

2021 Survey

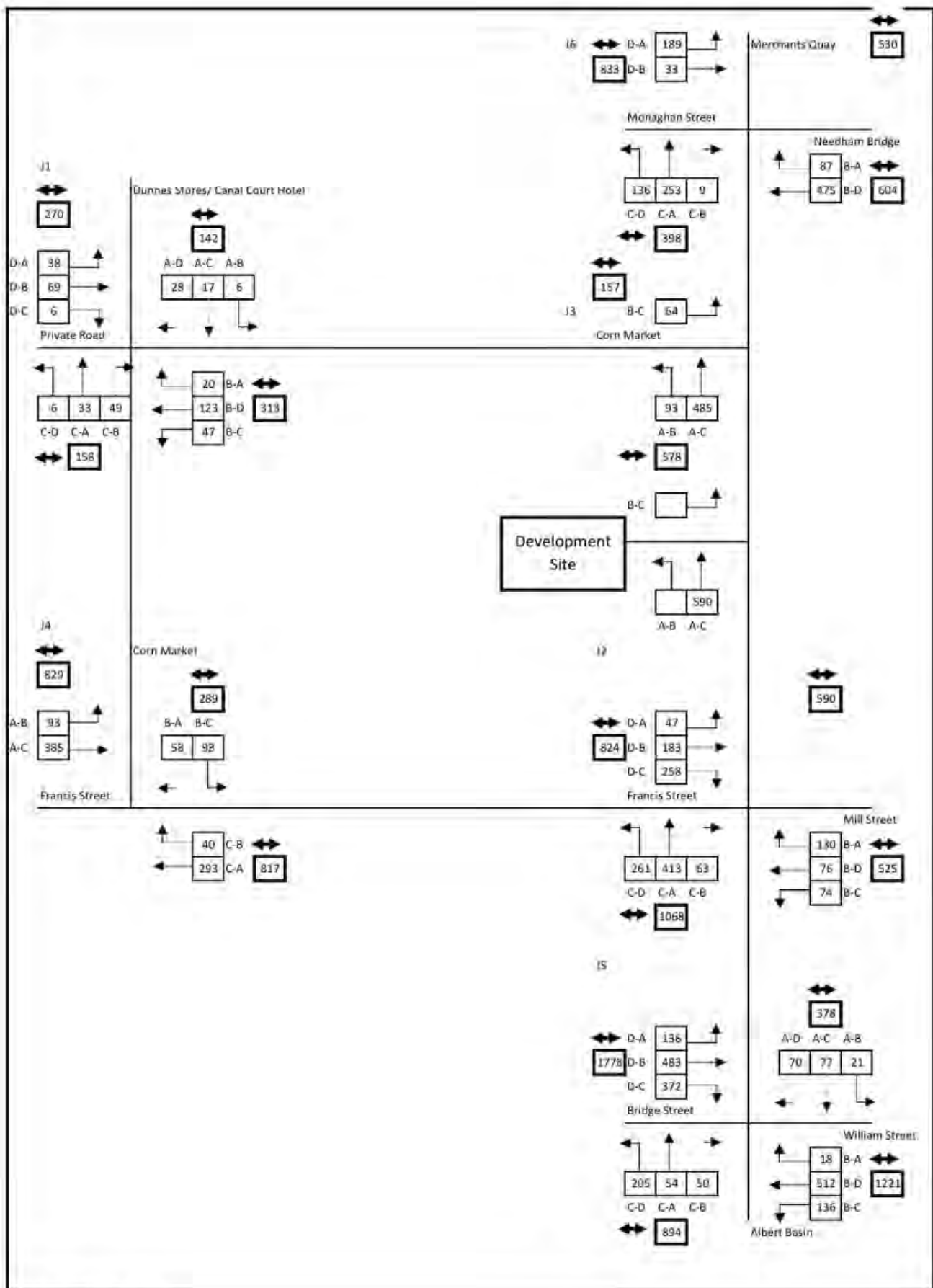
2022 Survey



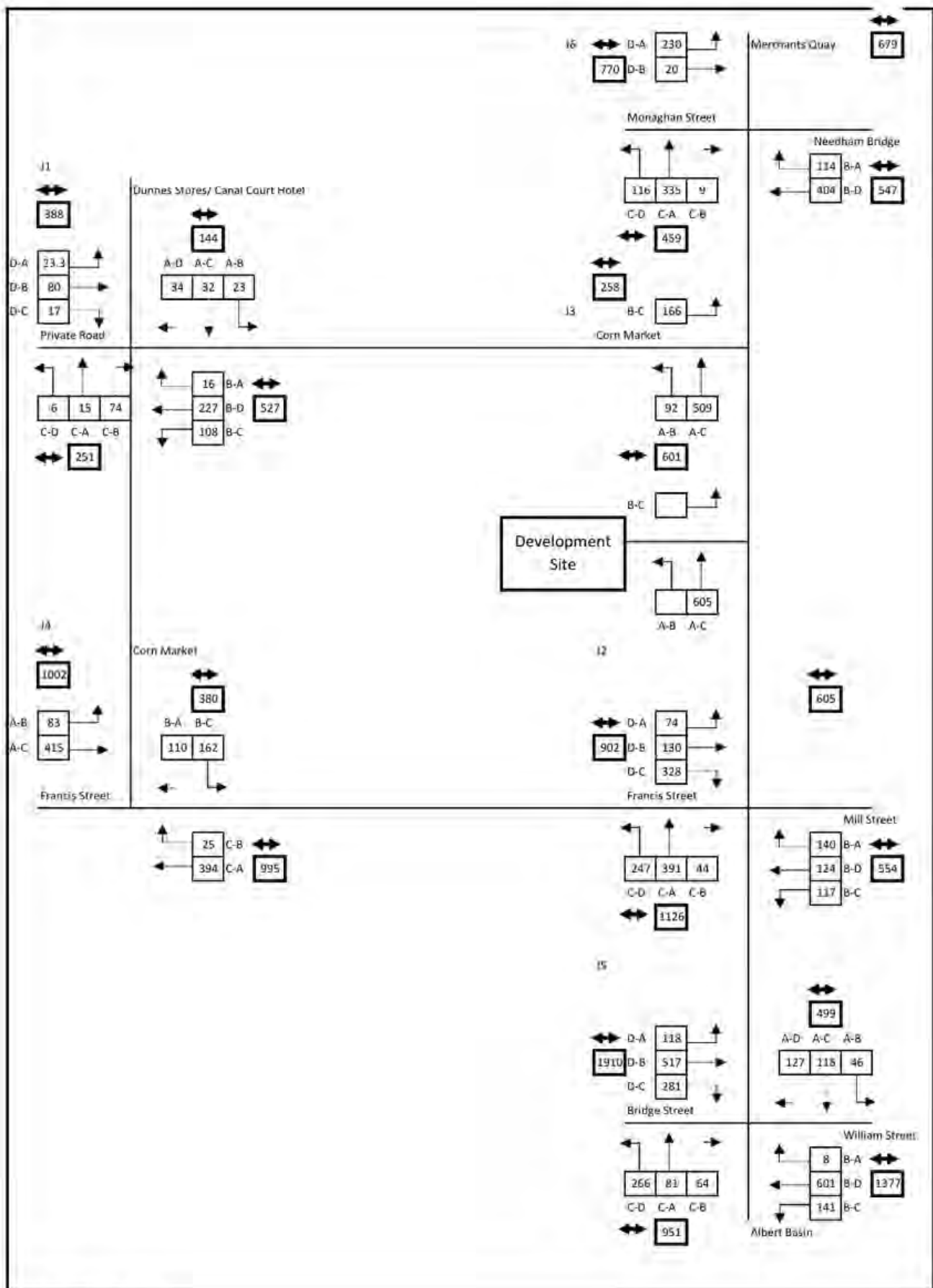
19-179 - Corn Market, Newry
 2021 Existing - Covid Adjusted
 AM Peak Hour - 08:30-09:30
 2021 Survey
 Covid Pandemic Adjustment
 2019-2021
 19% 1.19



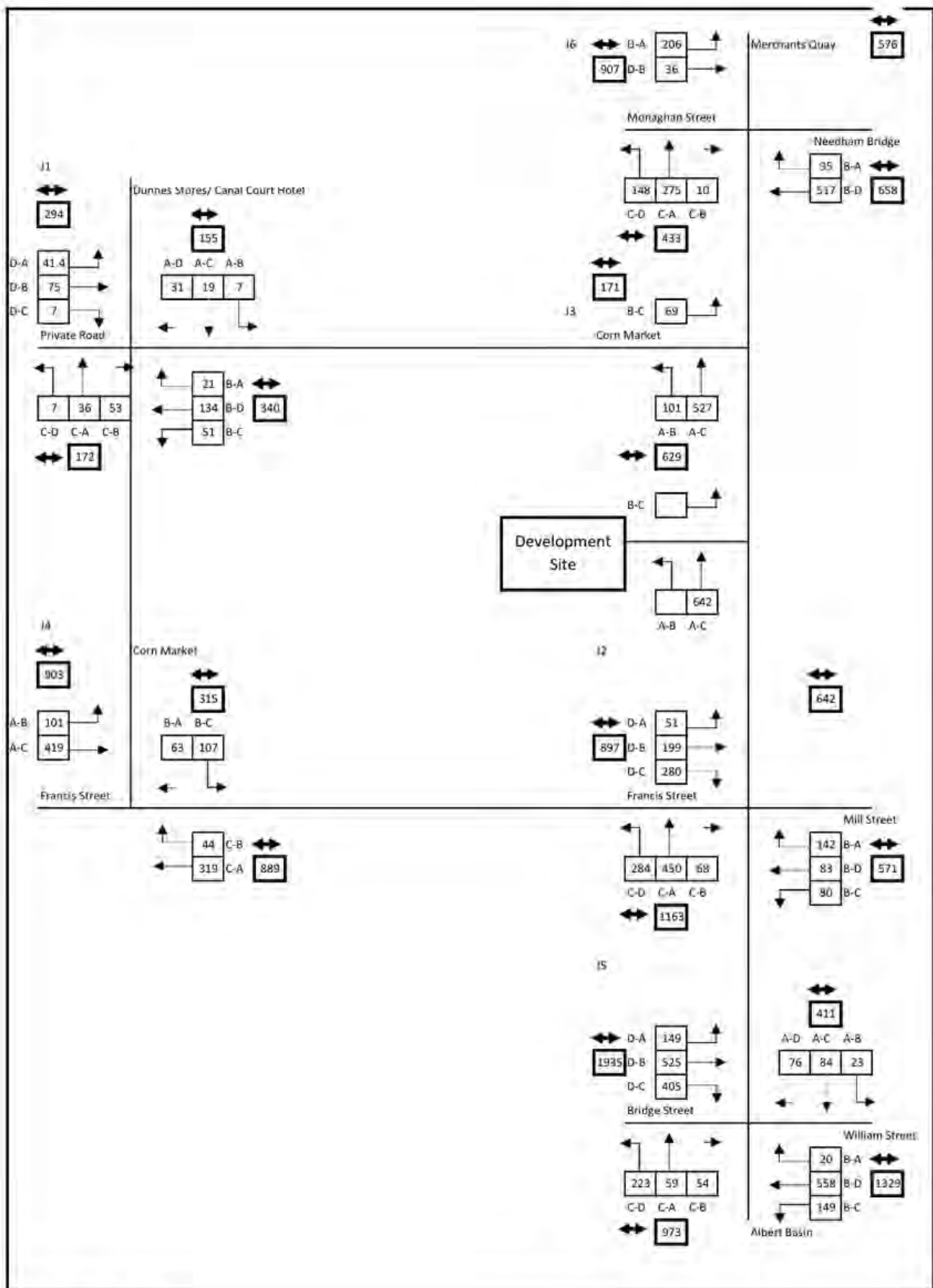
19-179 - Corn Market, Newry
 2021 Existing - Covid Adjusted
 PM Peak Hour - 17:00-18:00
 2021 Survey
 Covid Pandemic Adjustment:
 2019-2021
 19% 1.19



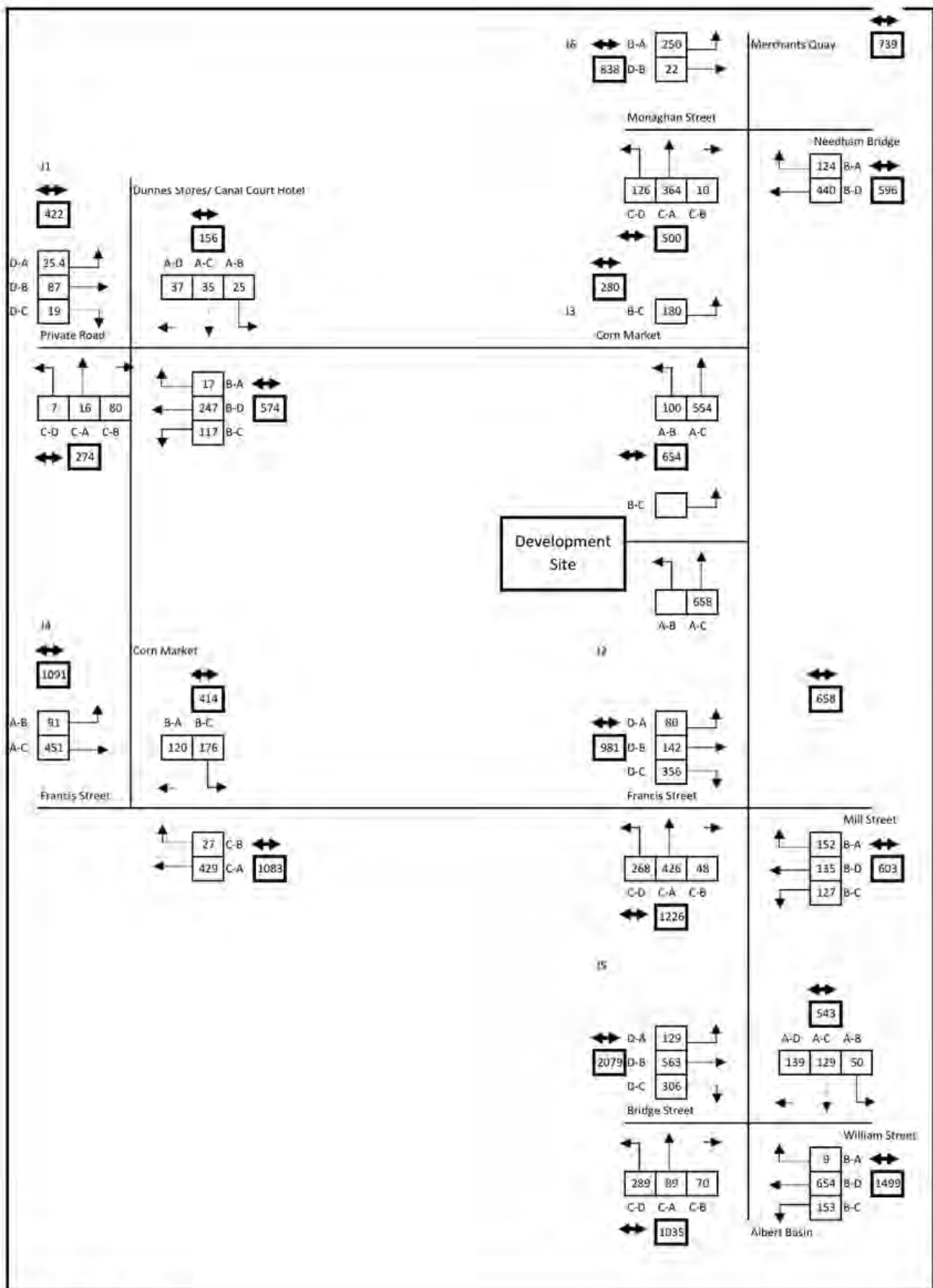
19-179 - Corn Market, Newry
 Existing to 2024 Traffic Growth
 AM Peak Hour - 08:30-09:30
 NRTF Central Growth
 2021 (Covid Adjusted) - 2024 1.03
 2022-2024 1.02



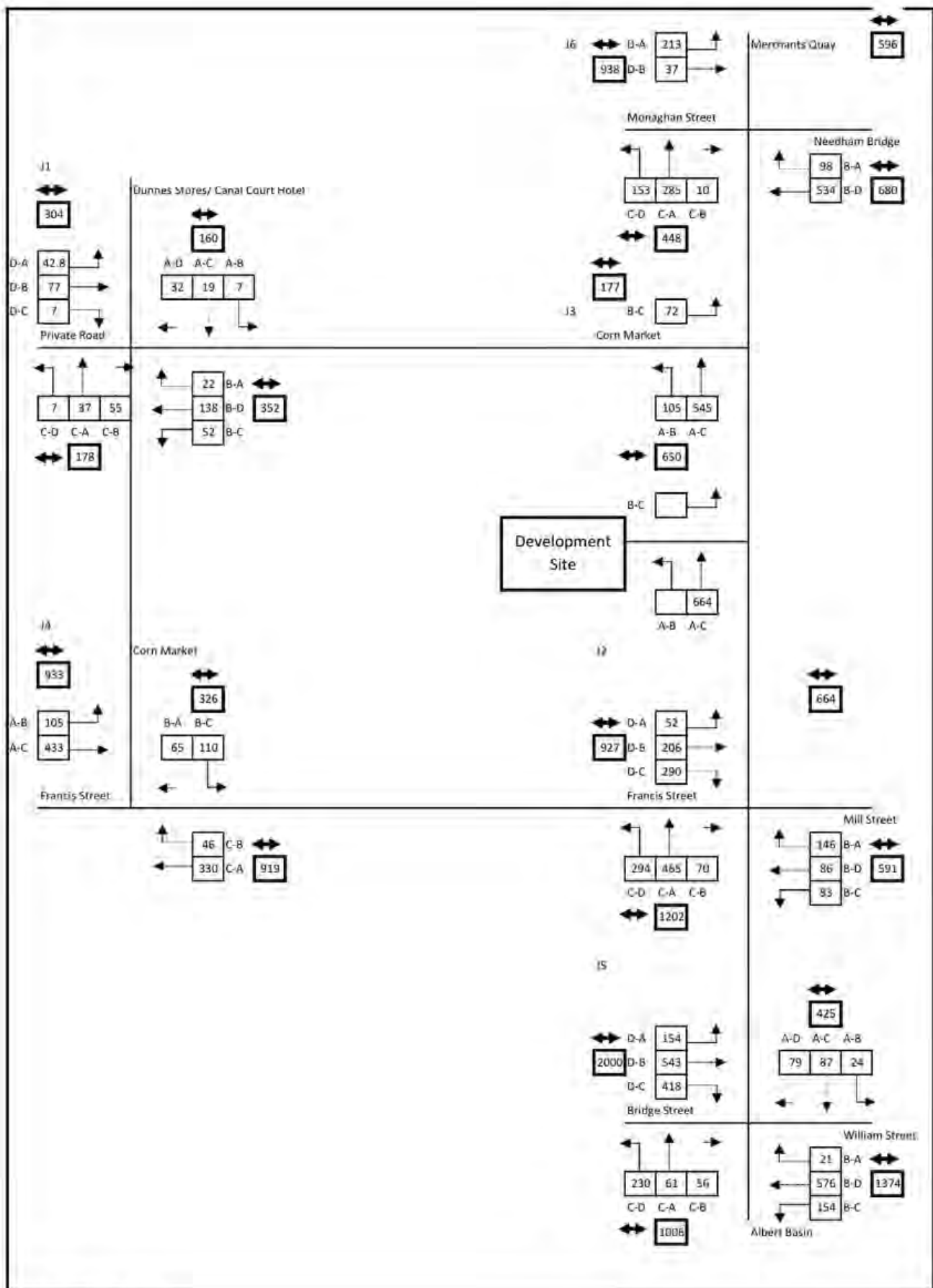
19-179 - Corn Market, Newry
 Existing to 2024 Traffic Growth
 PM Peak Hour - 17:00-18:00
 NRTF Central Growth
 2021 (Covid Adjusted) - 2024 1.03
 2022-2024 1.02



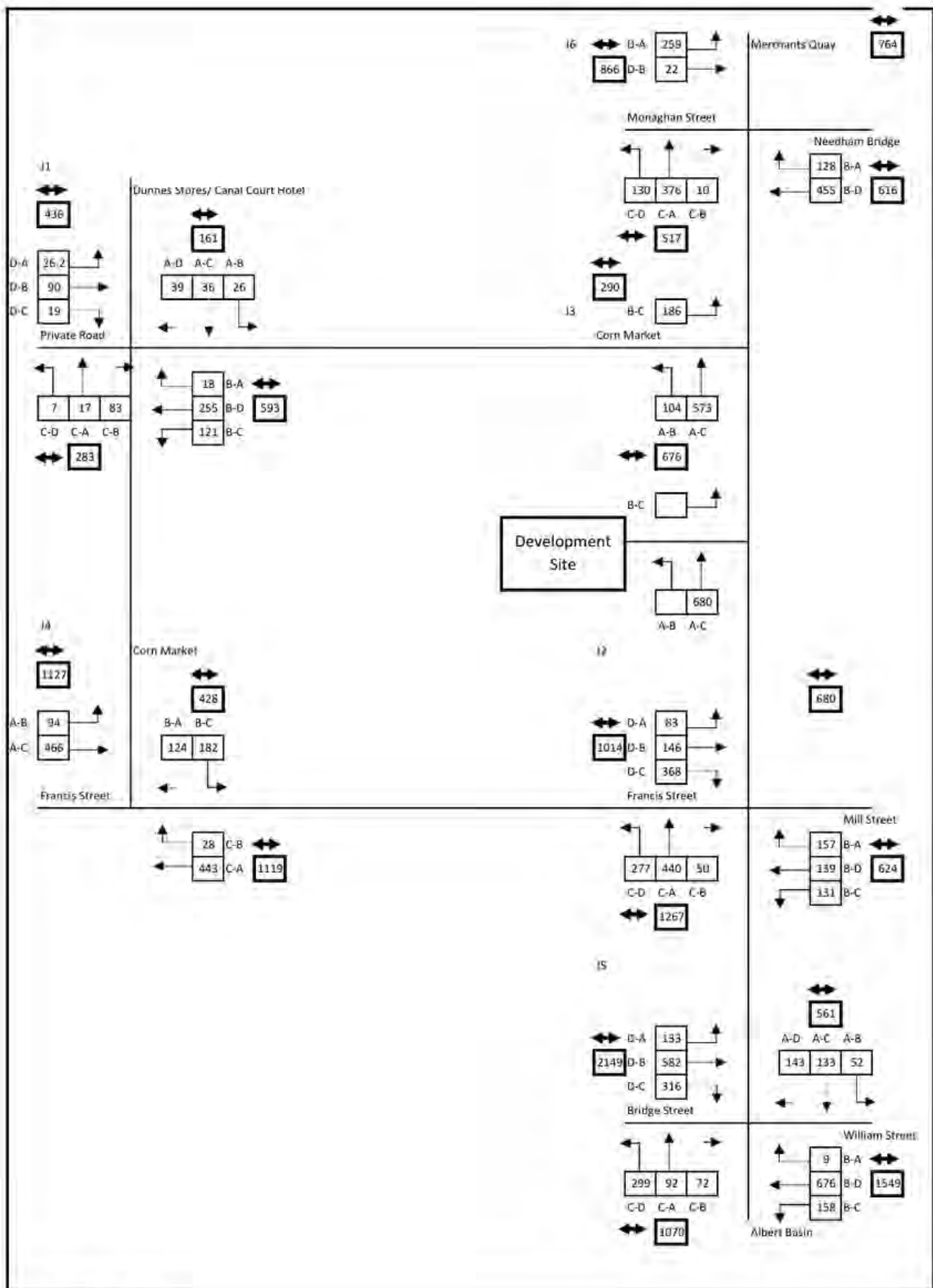
19-179 - Corn Market, Newry
 Existing to 2034 Traffic Growth
 AM Peak Hour - 08:30-09:30
 NRTF Central Growth
 2021 (Covid Adjusted) - 2034 1.12
 2022-2034 1.11



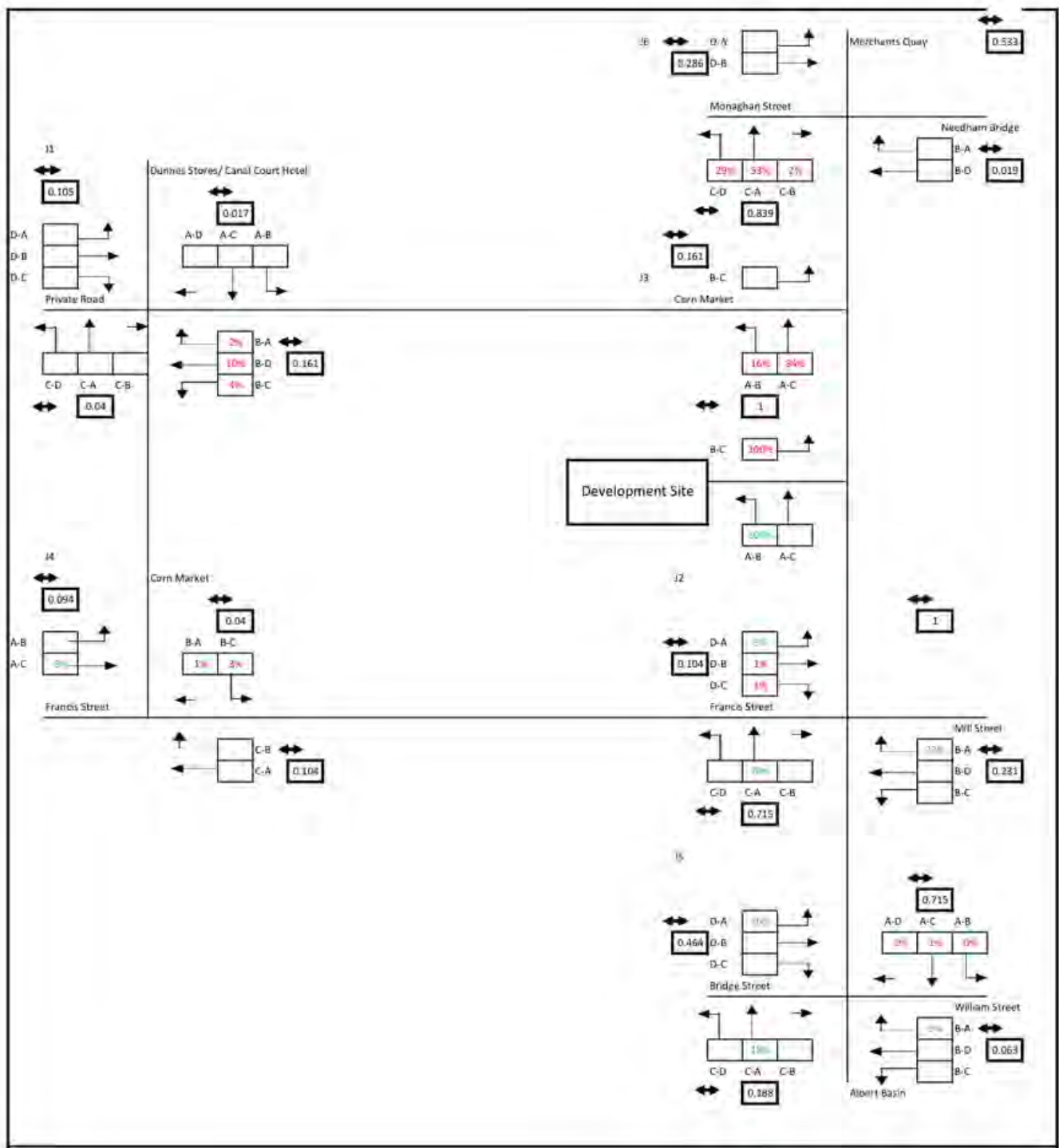
19-179 - Corn Market, Newry
 Existing to 2034 Traffic Growth
 PM Peak Hour - 17:00-18:00
 NRTF Central Growth
 2021 (Covid Adjusted) - 2034 1.12
 2022-2034 1.11



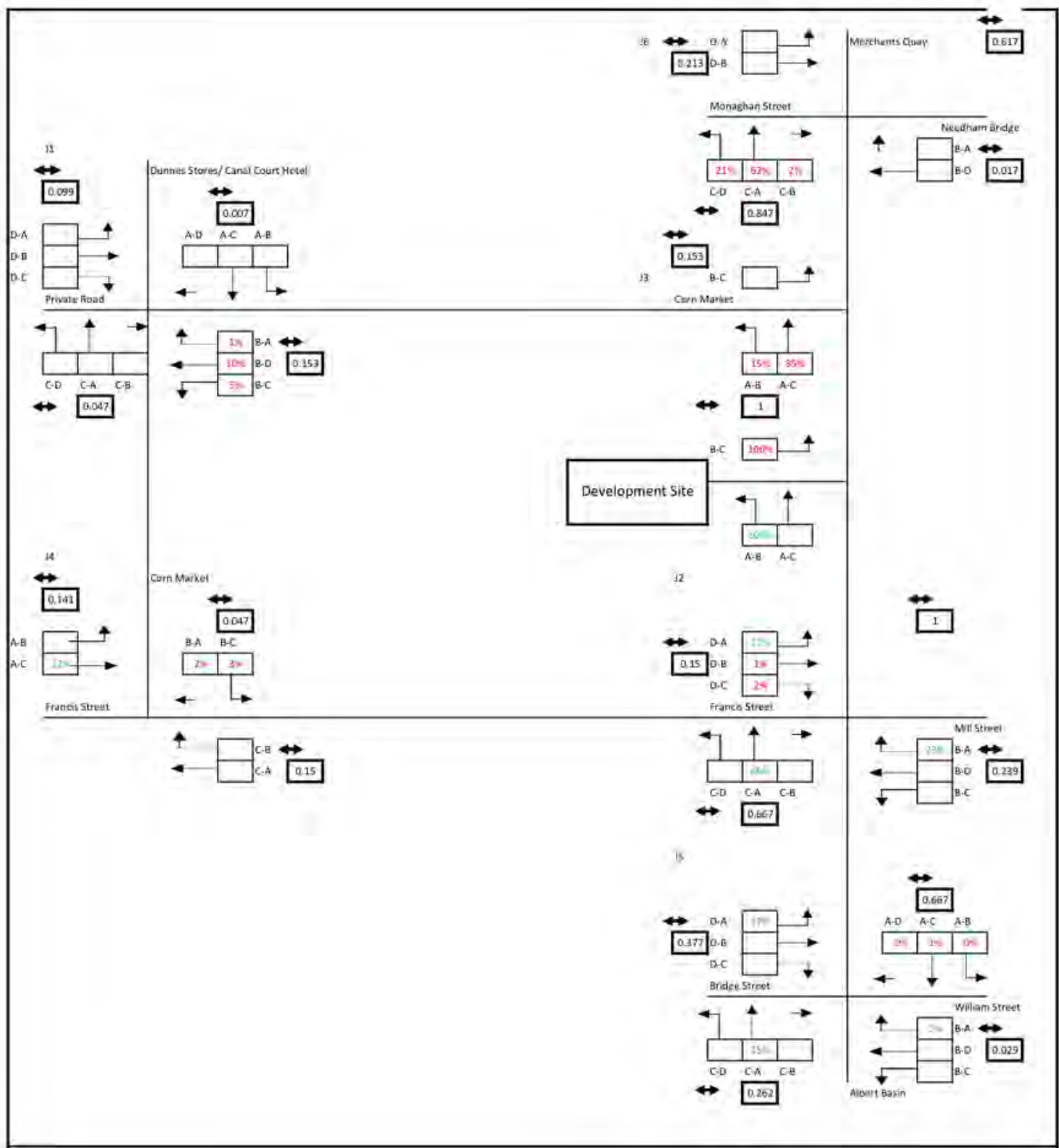
19-179 - Corn Market, Newry
 Existing to 2039 Traffic Growth
 AM Peak Hour - 08:30-09:30
 NRTF Central Growth
 2021 (Covid Adjusted) - 2039 1.16
 2022-2039 1.15



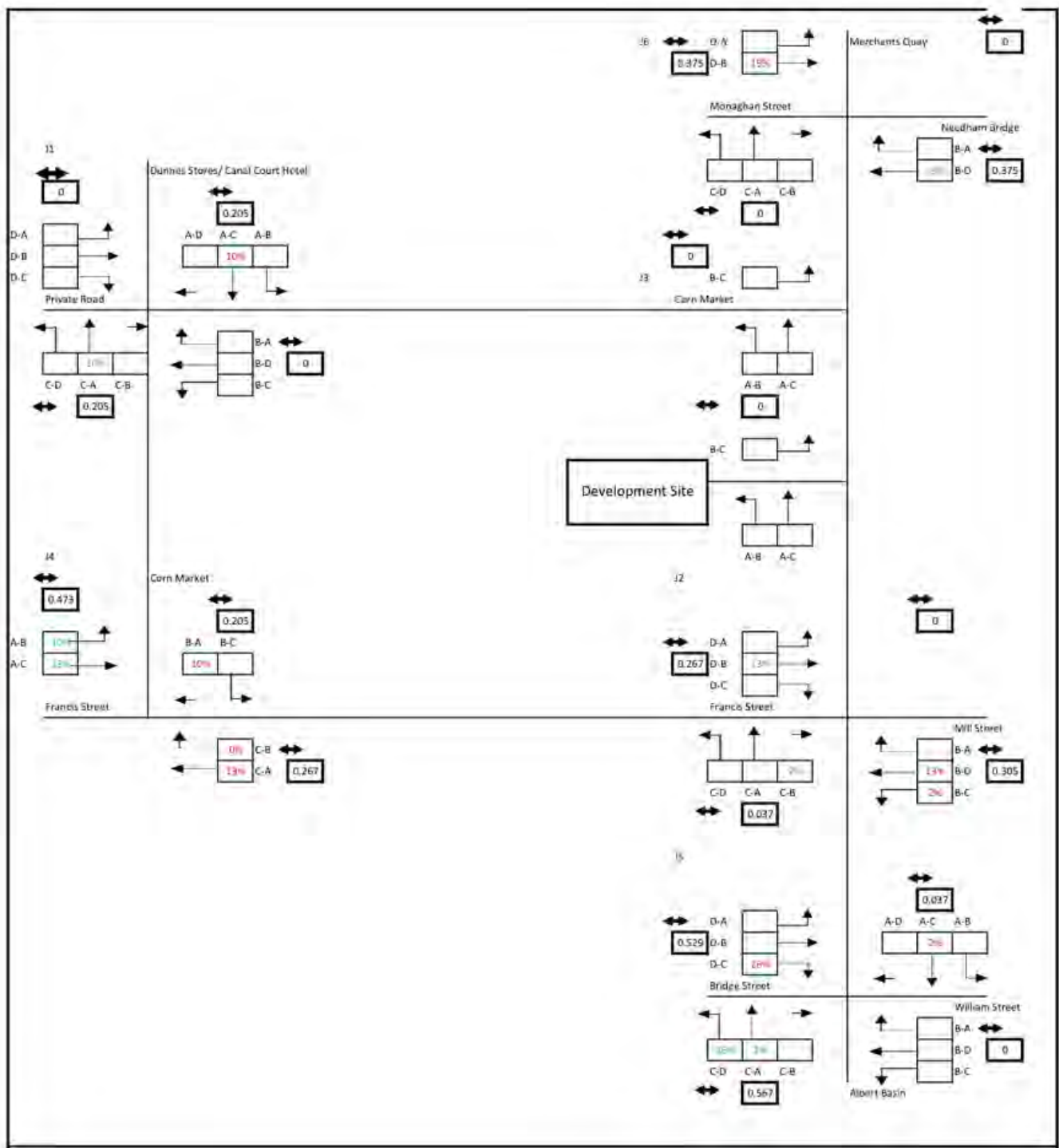
19-179 - Corn Market, Newry
 Existing to 2039 Traffic Growth
 PM Peak Hour - 17:00-18:00
 NRTF Central Growth
 2021 (Covid Adjusted) - 2039 1:16
 2022-2039 1:15



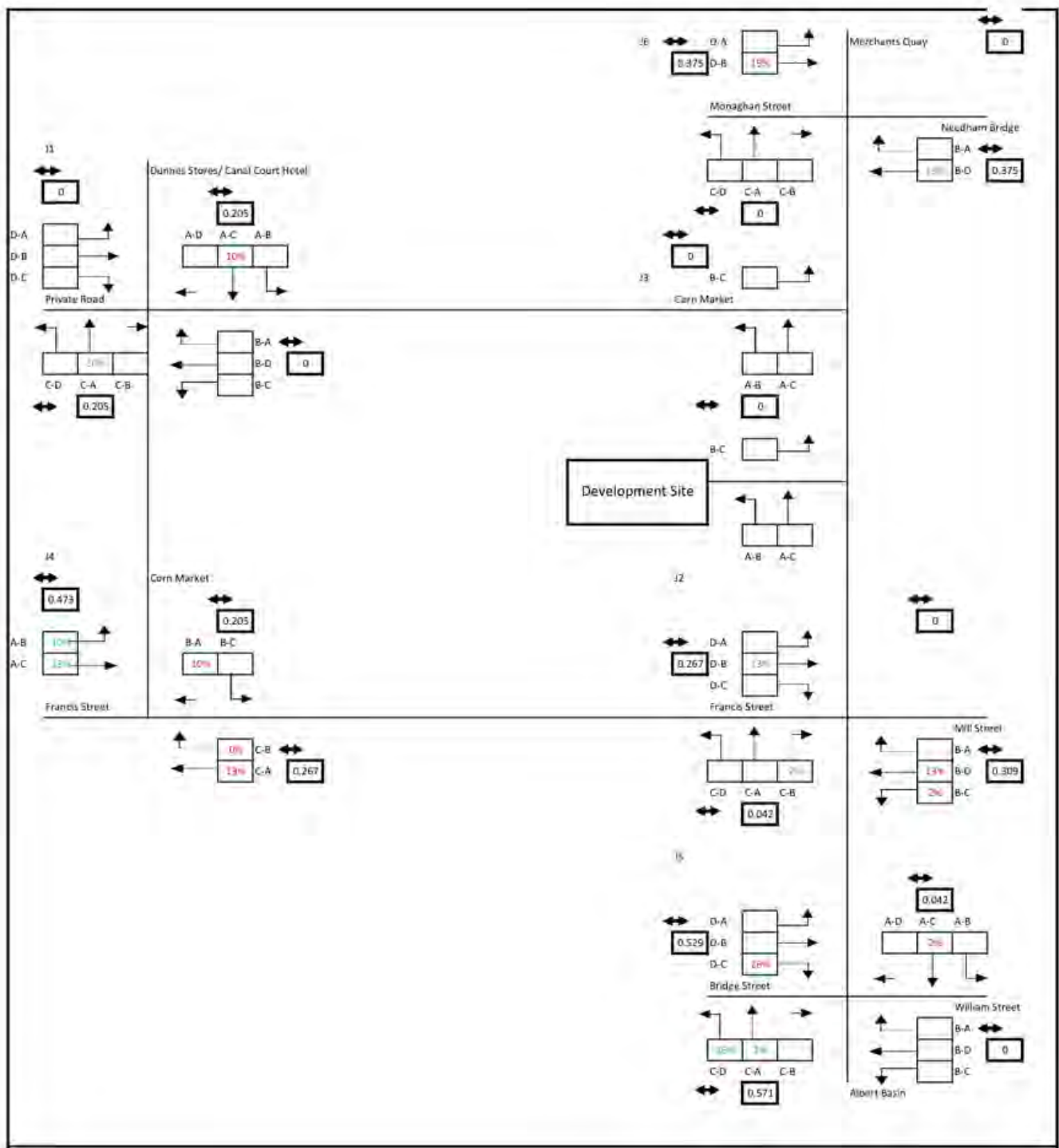
19-179 - Corn Market, Newry
 Proposed Development Traffic Distribution - Residential Units
 AM Peak Hour - 08:30-09:30
 (X) No traffic
 (X) Departures



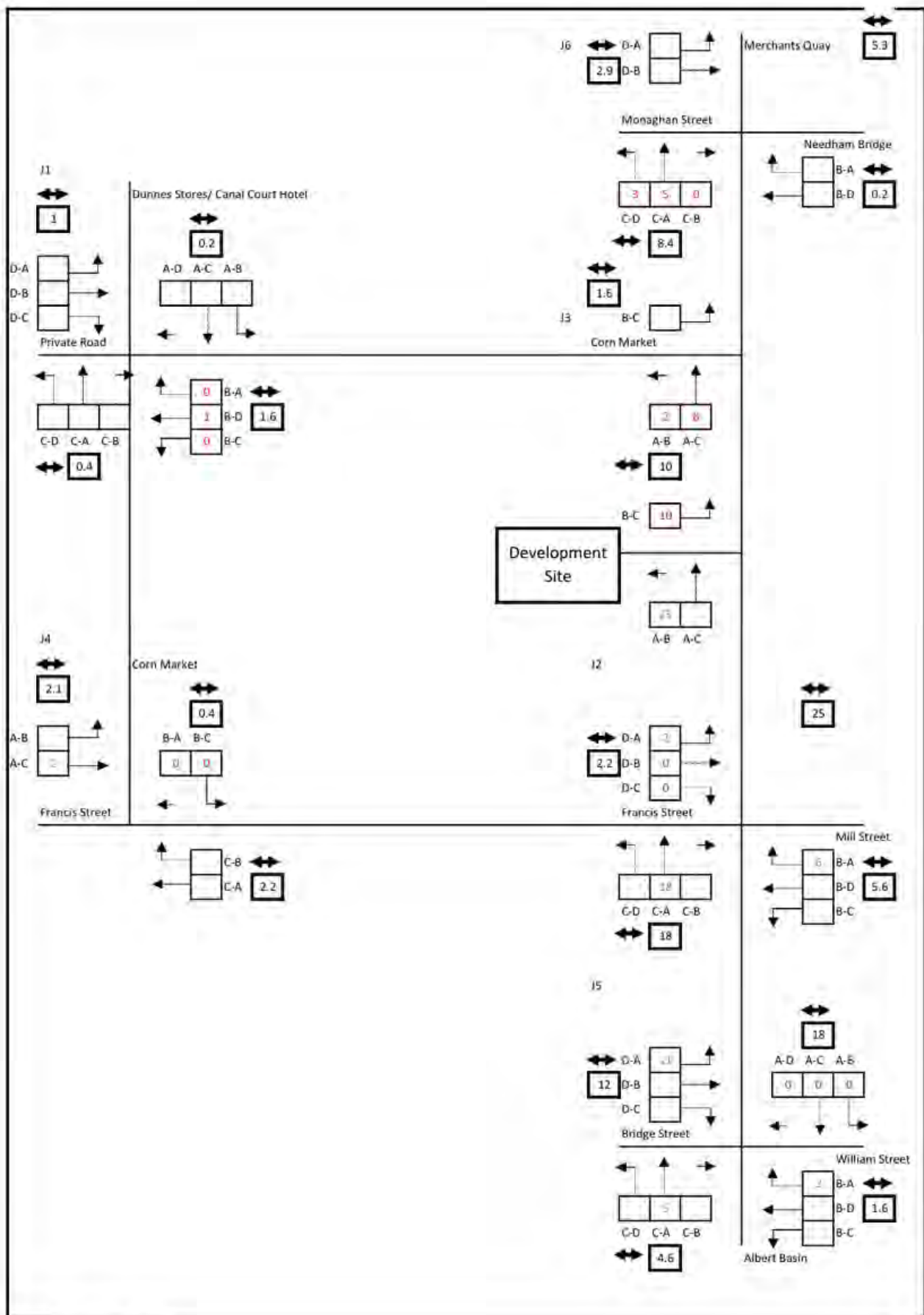
19-179 - Corn Market, Newry
 Proposed Development Traffic Distribution - Residential Units
 PM Peak Hour - 17:00-18:00
 (X) Arrivals
 (Y) Departures



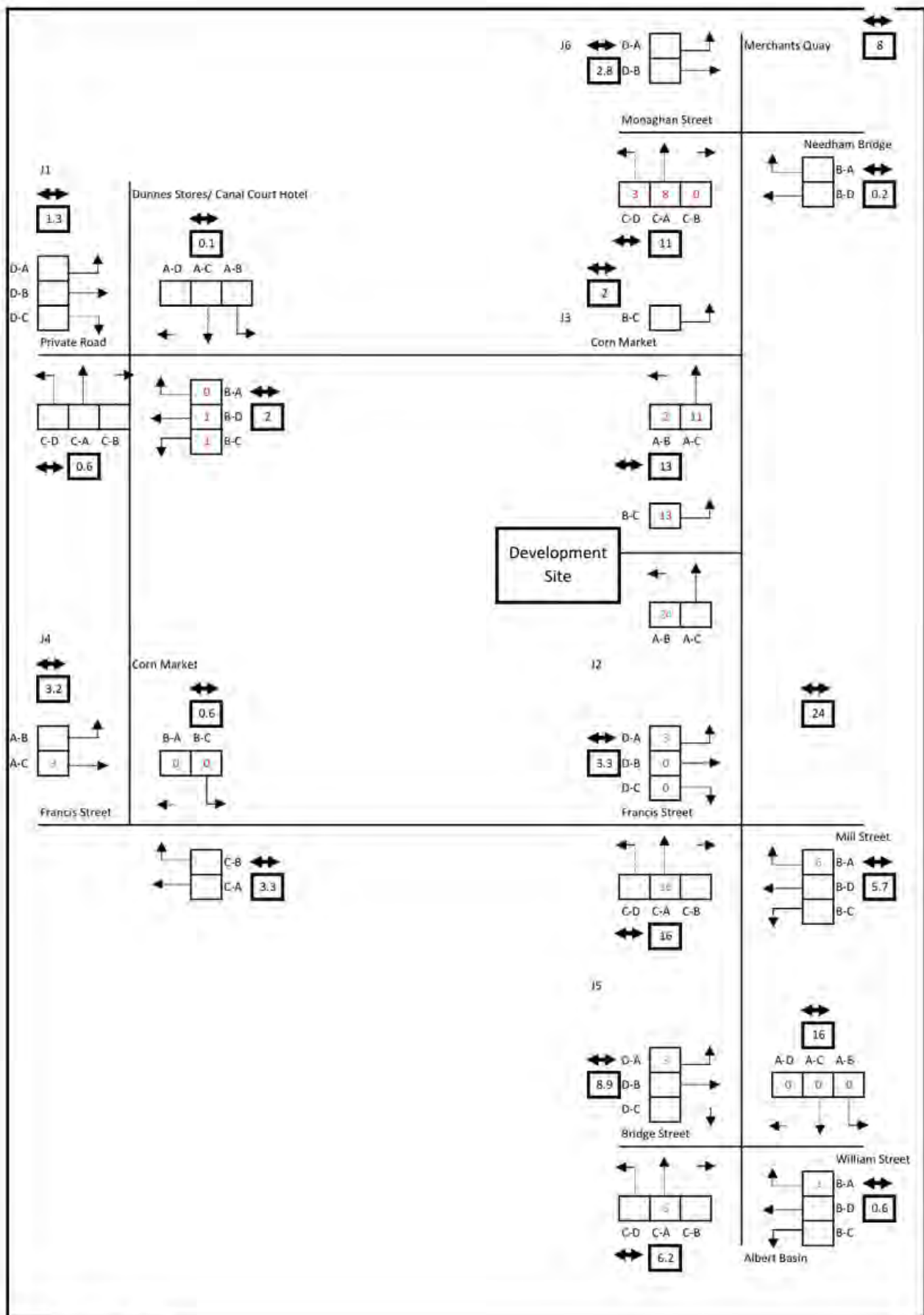
19-17B - Corn Market, Newry
 Proposed Development Traffic Distribution - Office/Retail Units
 AM Peak Hour - 08:30-09:30
 0% No traffic
 10% Departures



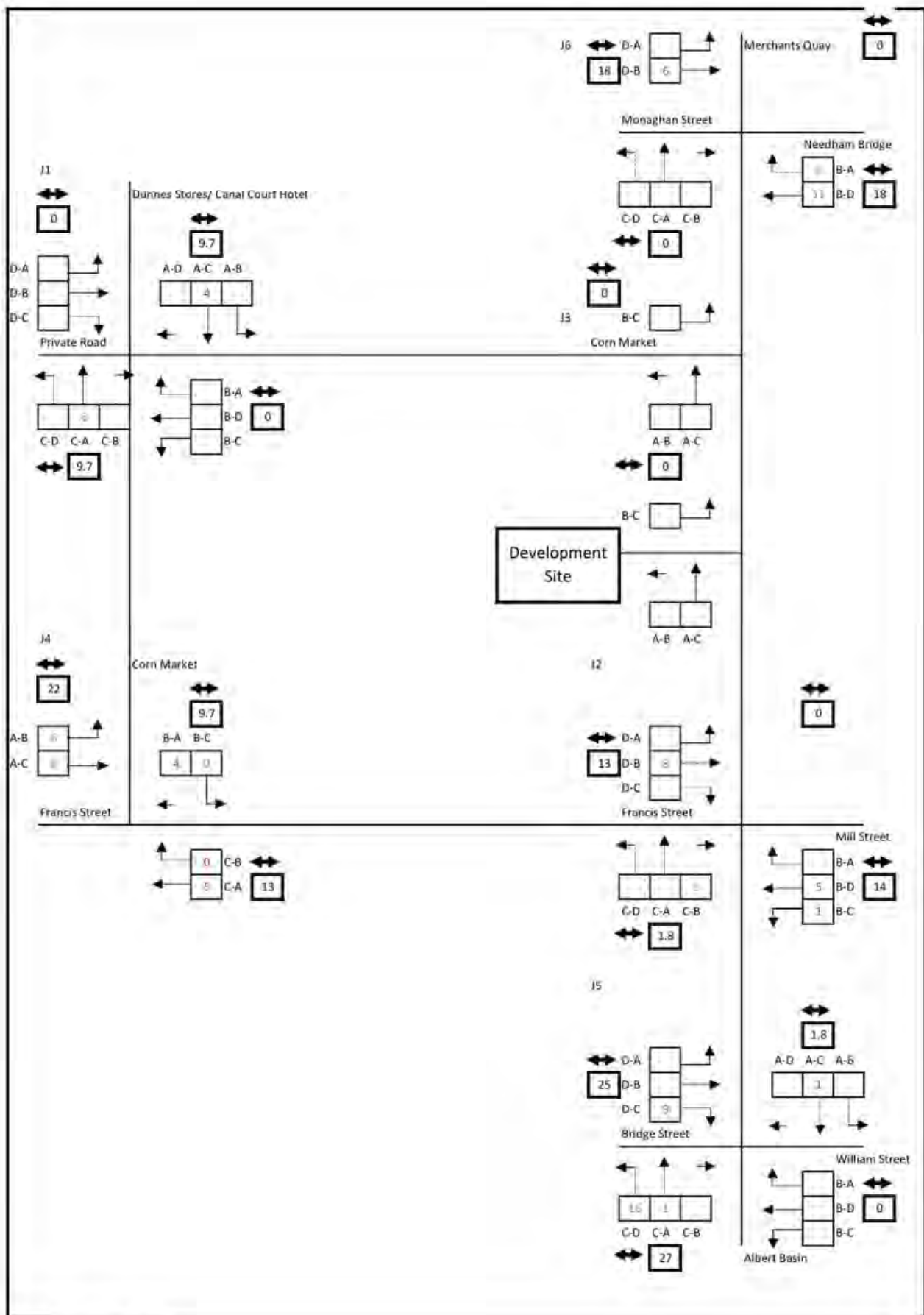
19-17B - Corn Market, Newry
 Proposed Development Traffic Distribution - Office/Retail Units
 PM Peak Hour - 17:00-18:00
 (Green) Arrivals
 (Red) Departures



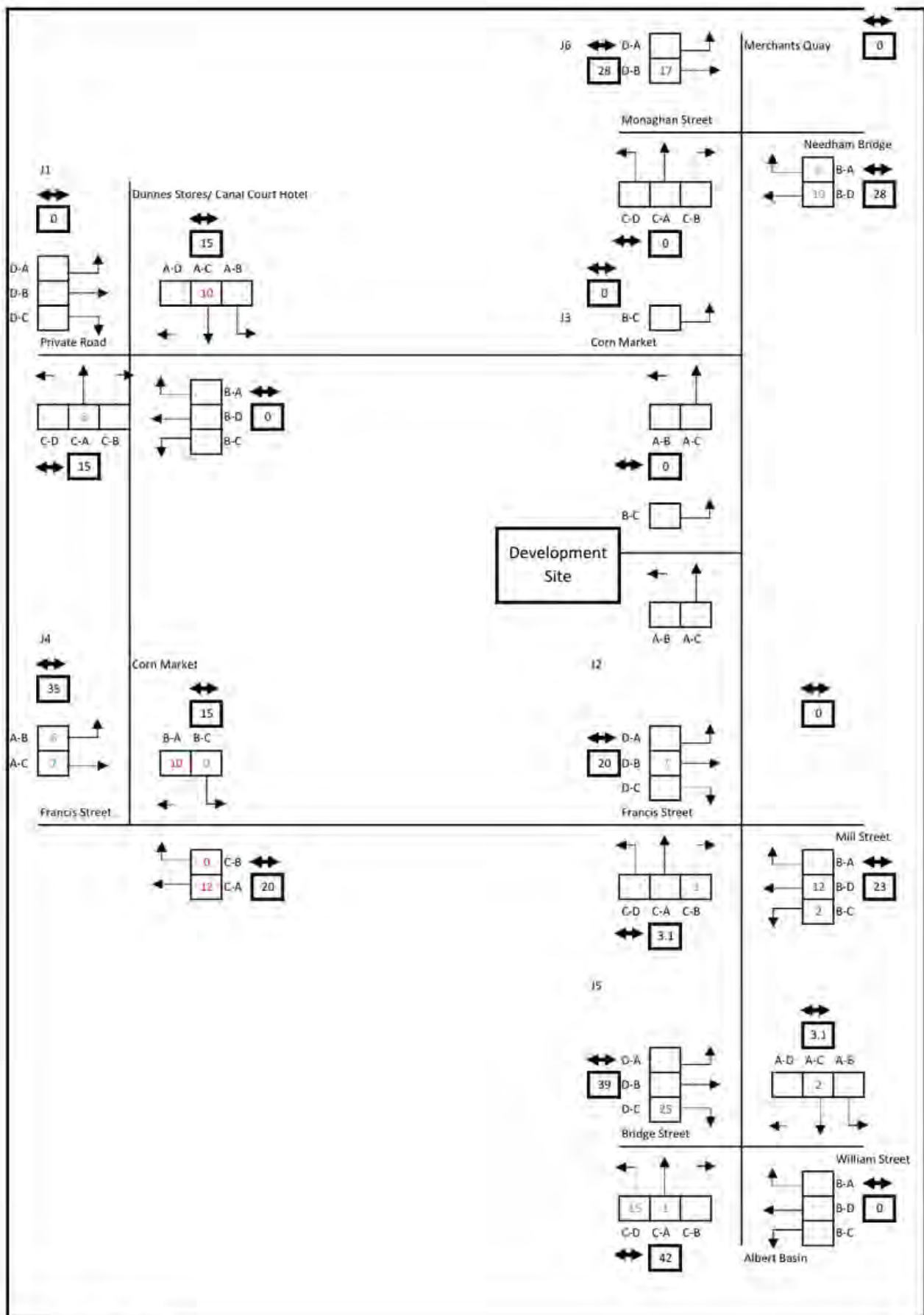
19-179 - Corn Market, Newry
 Proposed Development Traffic Generation - Residential
 AM Peak Hour - 08:30-09:30
 25 Arrivals
 10 Departures



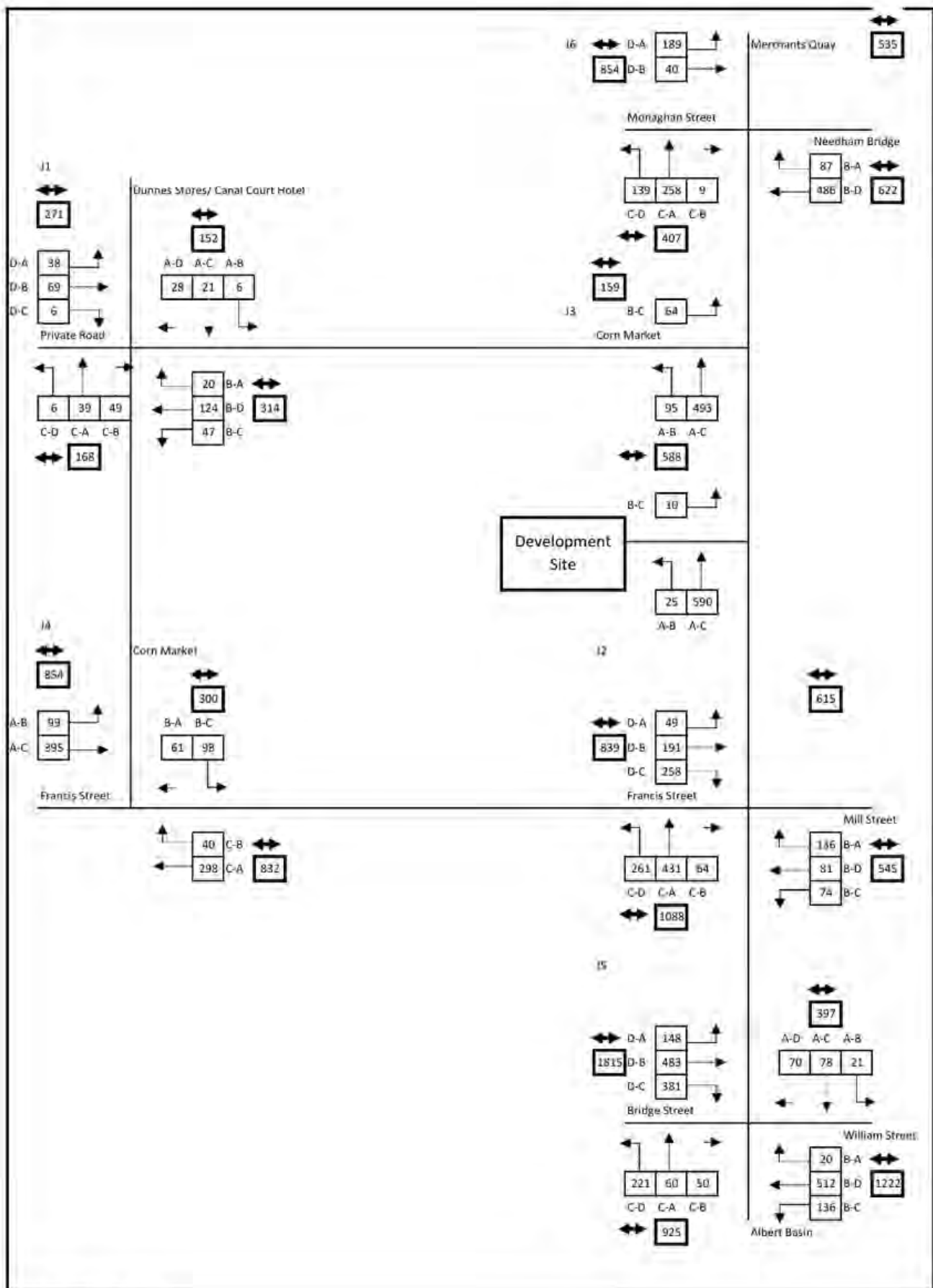
19-179 - Corn Market, Newry
 Proposed Development Traffic Generation - Residential
 PM Peak Hour - 17:00-18:00
 13 Departures



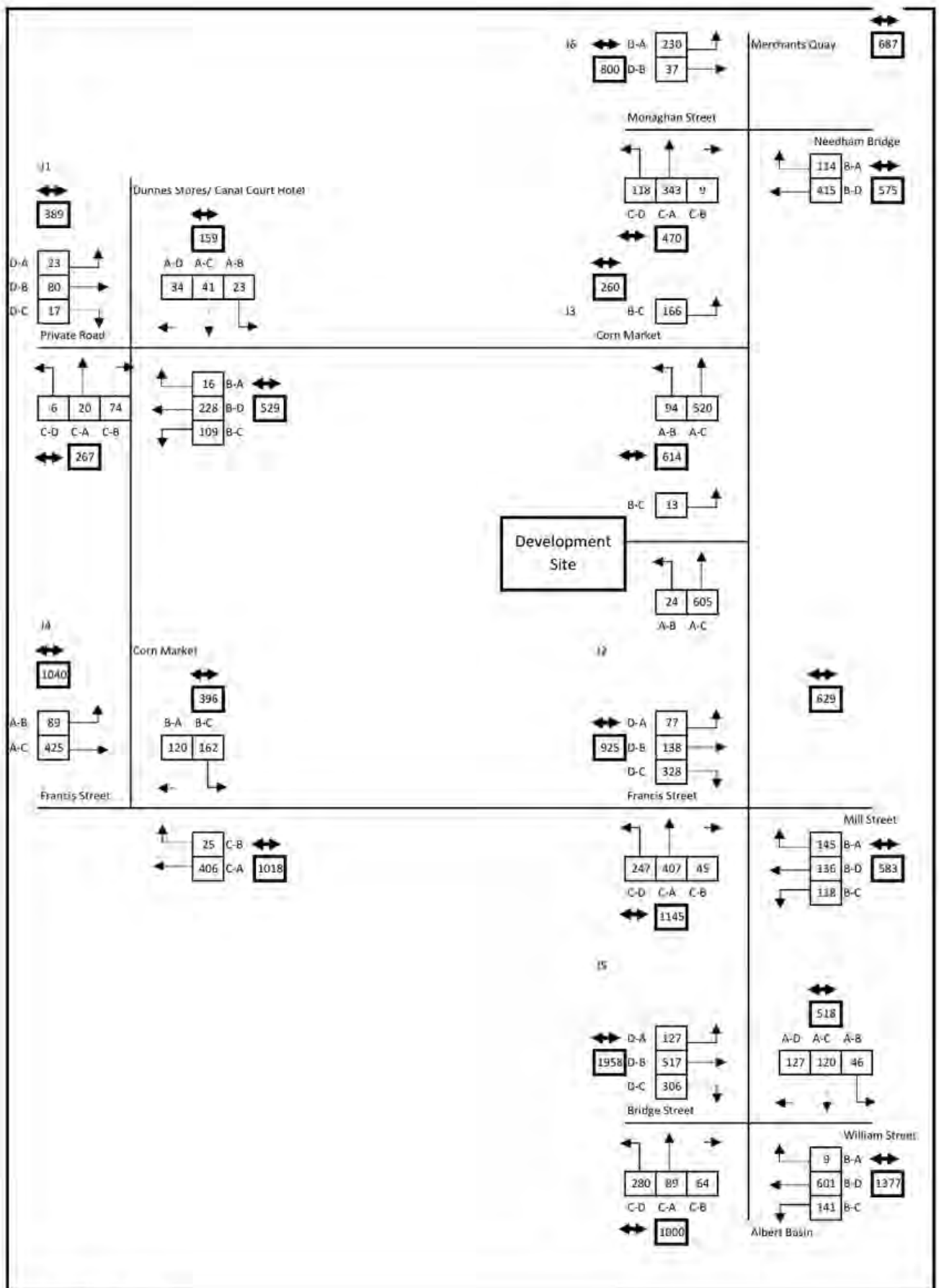
19-179 - Corn Market, Newry
Proposed Development Traffic Generation - Office/ Retail
AM Peak Hour - 08:30-09:30
35 Departures



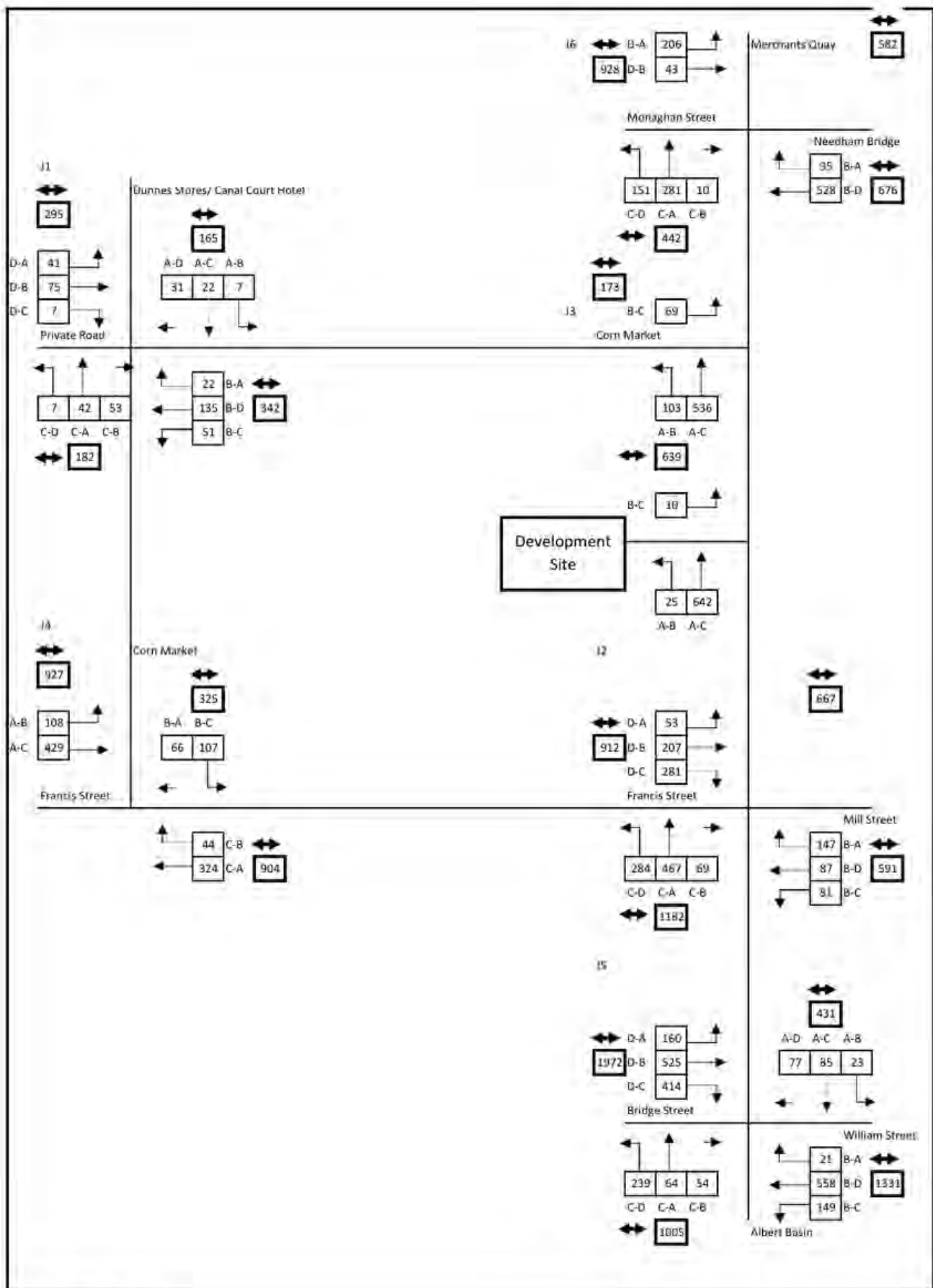
19-179 - Corn Market, Newry
 Proposed Development Traffic Generation - Office/ Retail
 PM Peak Hour - 17:00-18:00
 93 Departures



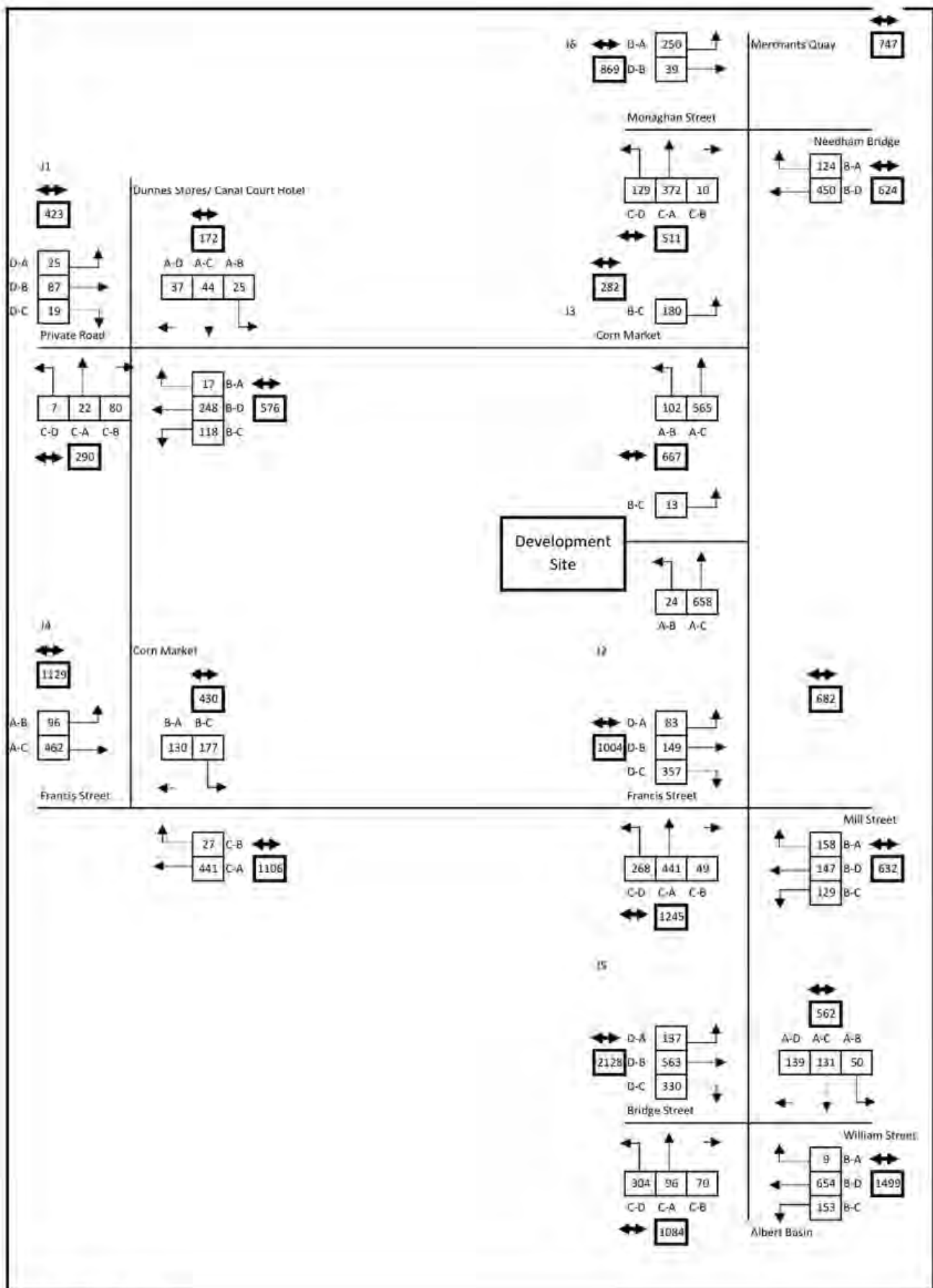
19-179 - Corn Market, Newry
 2024 Base + Development Trips
 AM Peak Hour - 08:30-09:30



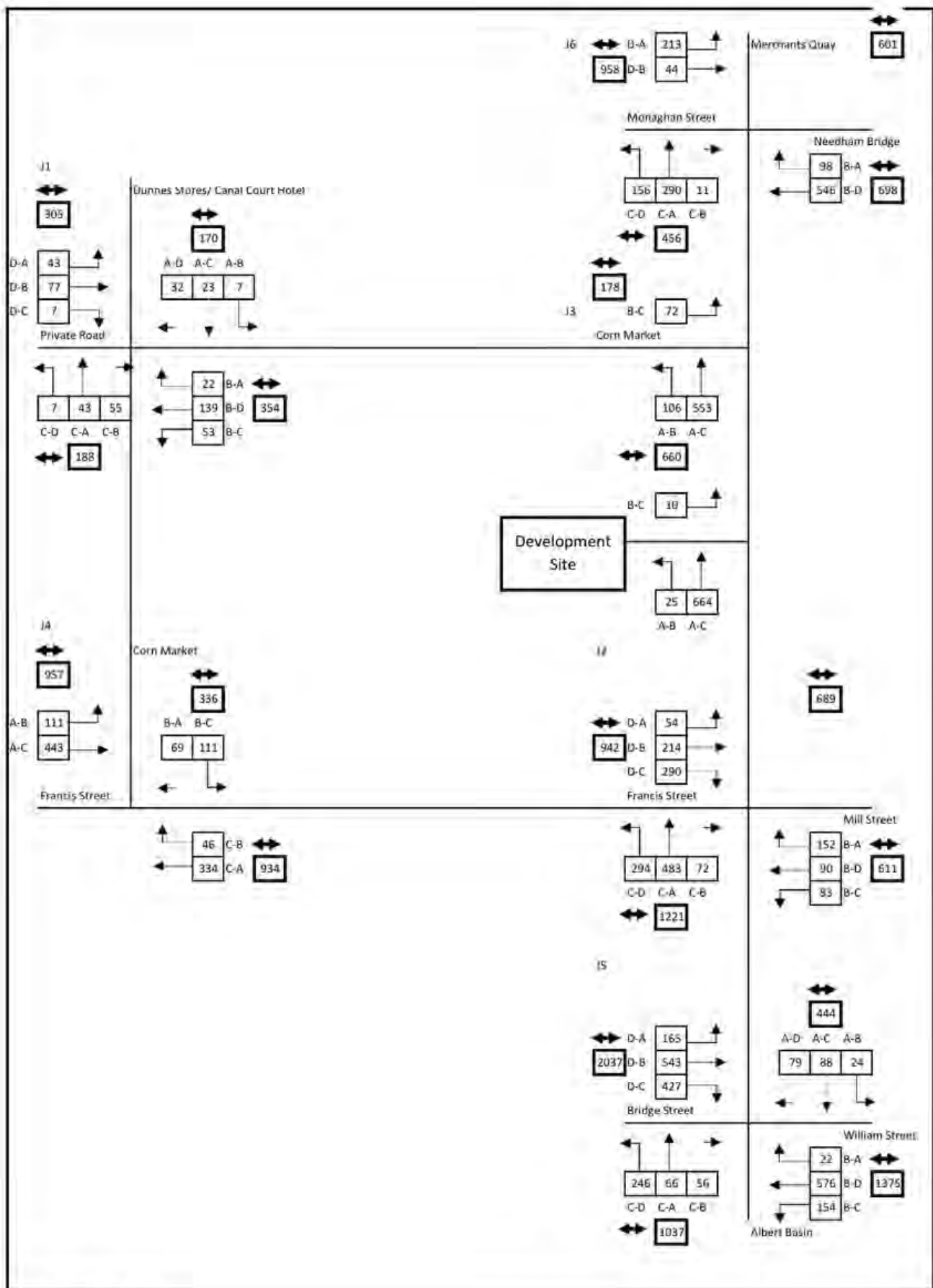
19-179 - Corn Market, Newry
 2024 Base + Development Trips
 PM Peak Hour - 17:00-18:00



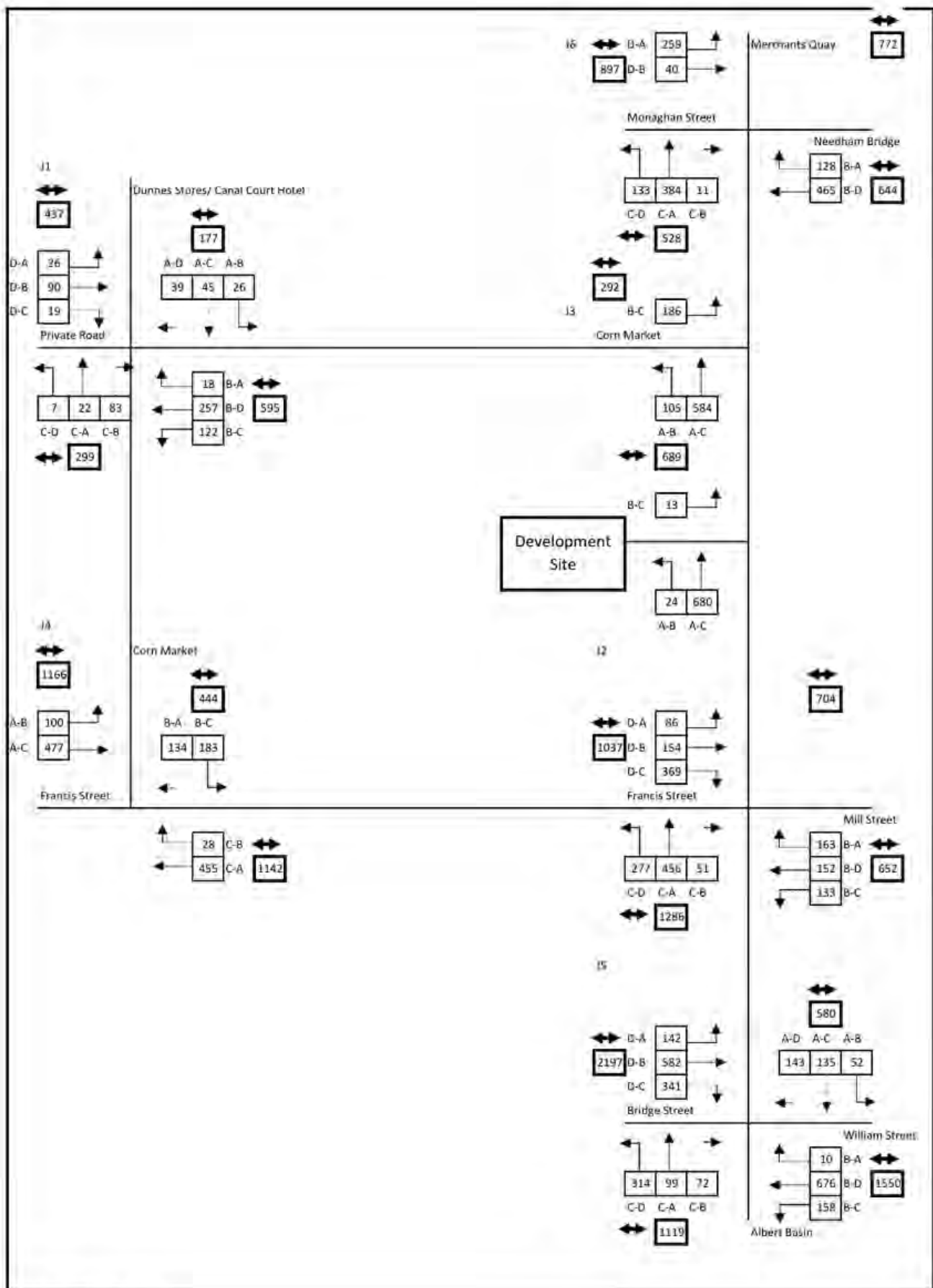
19-179 - Corn Market, Newry
 2034 Base + Development Trips
 AM Peak Hour - 08:30-09:30



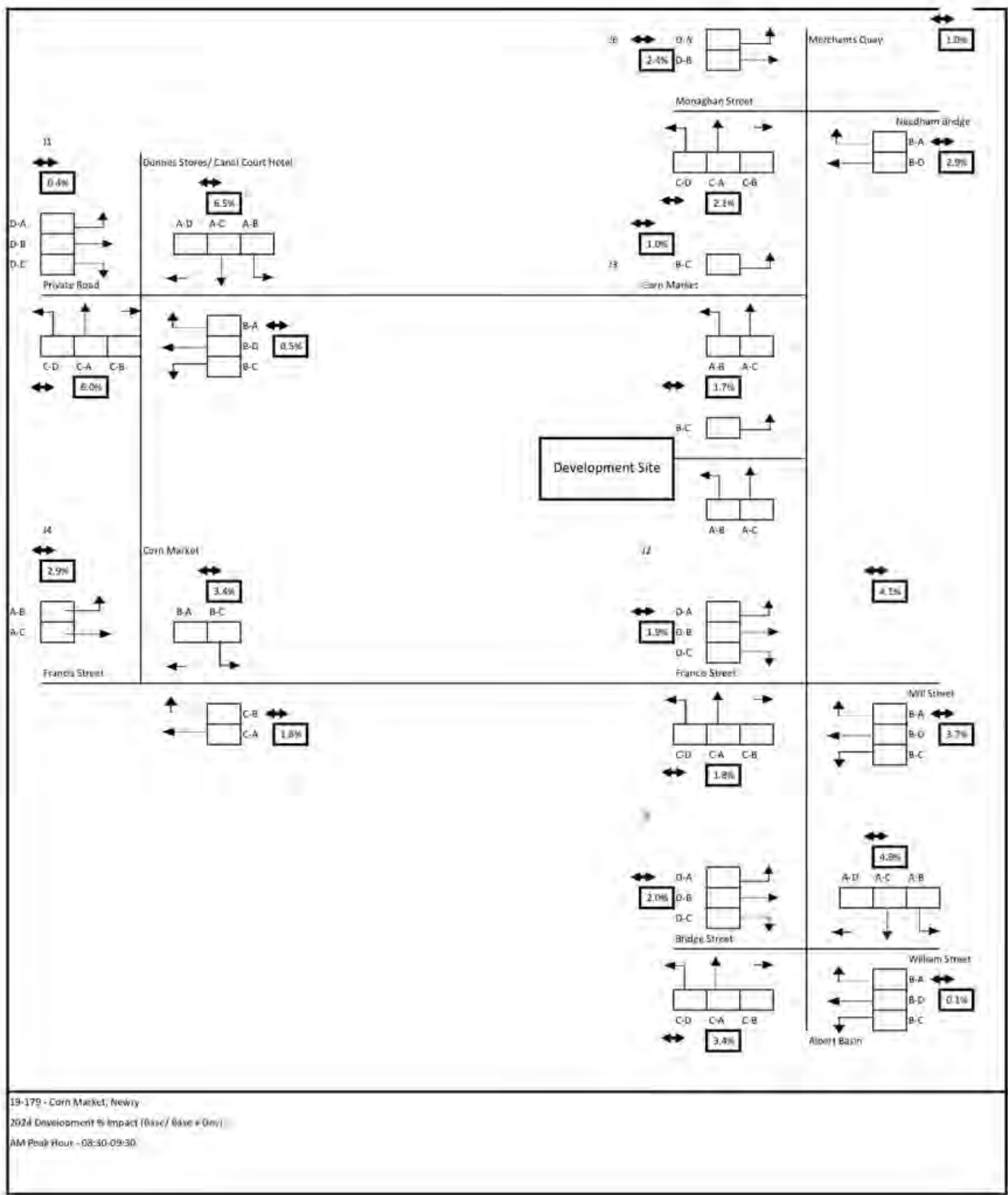
19-179 - Corn Market, Newry
 2034 Base + Development Trips
 PM Peak Hour - 17:00-18:00

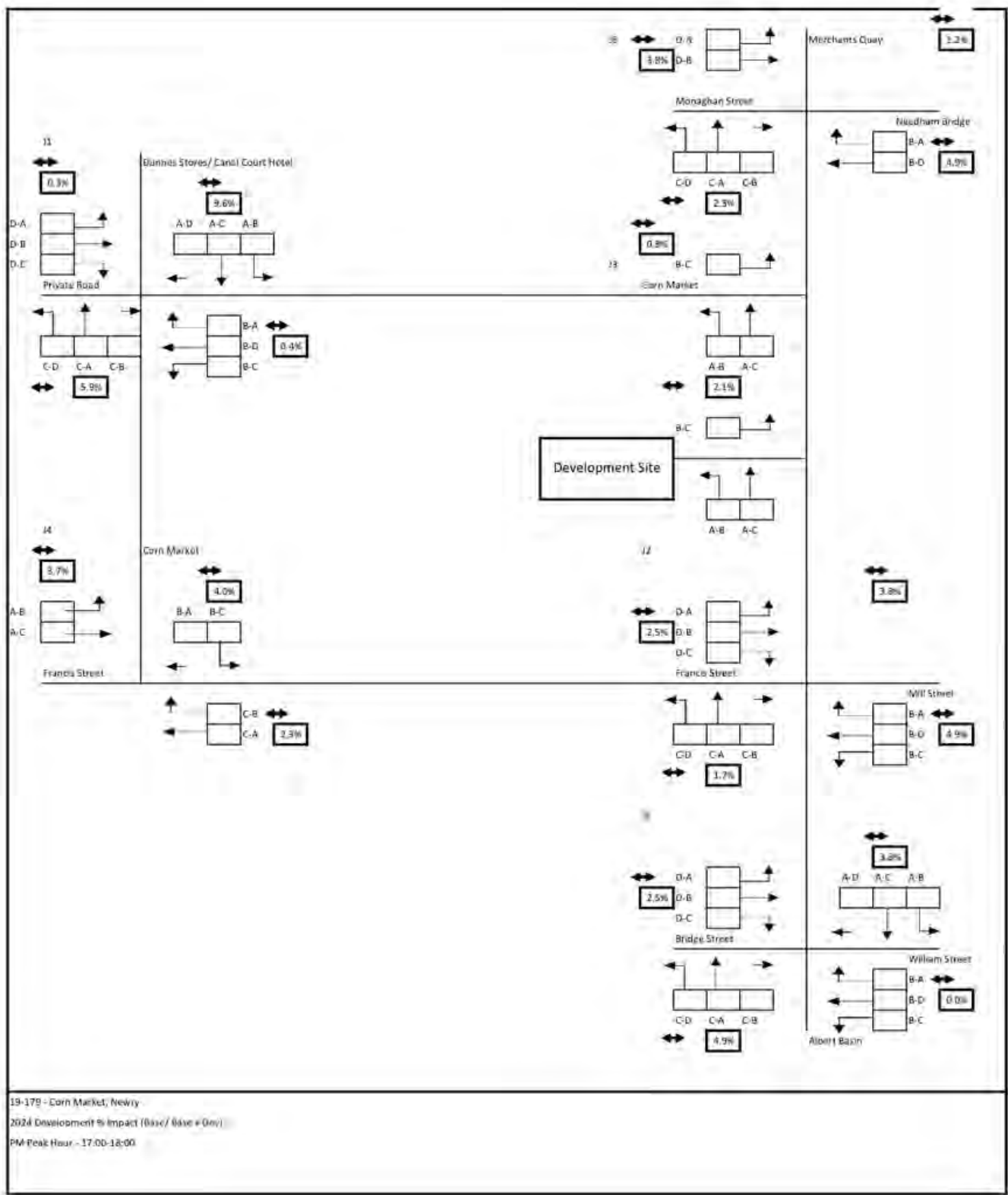


19-179 - Corn Market, Newry
 2024 Base + Development Trips
 AM Peak Hour - 08:30-09:30



19-179 - Corn Market, Newry
 2024 Base + Development Trips
 PM Peak Hour - 17:00-18:00







Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0486/DCA

Date Received: 20 March 2020.

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

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

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

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

2.0. SITE HISTORY

2.1. Related Planning Applications received:

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

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

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

4.0. STATUTORY CONSULTATIONS

4.1. No consultations were necessary for this assessment.

5.0. OBJECTIONS & REPRESENTATIONS

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

6.0. PLANNING ASSESSMENT & CONSIDERATION

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

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

6.3 PPS 6 policy BH 14 Demolition in a Conservation Area

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



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



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

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

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

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

7.0. RECOMMENDATION:

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

8.0 PLANNING CONDITION

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

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

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0487/LBC

Date Received: 20 March 2020.

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

Location: No. 47 Merchants Quay, Newry

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

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

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

2.0. SITE HISTORY

- 2.1.** Related Planning Applications received:

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

3.0. PLANNING POLICY, LEGISLATION AND MATERIAL CONSIDERATIONS

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

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

4.0. STATUTORY CONSULTATIONS :

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

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

5.0. OBJECTIONS & REPRESENTATIONS

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

6.0. PLANNING ASSESSMENT & CONSIDERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0. RECOMMENDATION:

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

8.0 PLANNING CONDITIONS (SUBJECT TO AMENDMENTS:)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1087/O

Date Received: 10th July 2019

Proposal: Replacement dwelling and garage

Location: Approximately 50m North East of 21 Drakes Bridge Road, Crossgar

Site Characteristics and Area Characteristics:

The application site comprises an area of 0.15 hectares and contains an old stone building with an area of bramble and overgrown vegetation. The site is surrounded by a number of other farm buildings and outbuildings, and an apparently unoccupied dwelling house. It is located up a private access lane off the Drakes Bridge Road.

The site is located in the countryside as defined in the Ards and Down Area Plan 2015. The surrounding area is rural, made up of largely agricultural land and scattered dwellings throughout.

Site History:

No relevant planning history on this part of the site.

Planning Policies and Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and in addition to this is also considered against the guidance set out in Policies CTY1, CTY13 and CTY14 of PPS 21: Sustainable Development in the Countryside, PPS3: Access, Movement and Parking, and SPPS.

Consultations:

DFI Roads – no objections

NI Water – no objections

Objections & Representations:

The application was advertised in the local press on 27th July 2019 which expired on 7th August 2019 and neighbour notification was issued on 22nd July 2019 and expired on 5th August 2019.

To date there has been 1 letter received neither objecting or in support of the proposal in relation to the proposal.

- My family have lived there for a number of generations and that small outbuilding was never inhabited.
- It was used as a calf house and store and has never been lived in

Consideration and Assessment:**SPPS**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that 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 SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

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. A number of instances when planning permission will be granted for a single dwelling are outlined.

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. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The small building subject of this application is stone built with a corrugated tin roof. It has a small lean to on the side elevation. From the site inspection, it was noted that there are four substantially intact walls on the building. There is possibly one blocked up window serving the building. There is no evidence of a chimney breast within the building itself and so it is not considered that this building exhibits the essential characteristics of a dwelling. The test under CTY 3 is whether the building exhibits the essential characteristics of a dwelling house, which officers are not satisfied that this building does. As such, there is no dwelling house to be replaced and therefore the proposed development would not fall under one of the exceptions listed in CTY1 of PPS21.

In terms of road access, DFI Roads are satisfied with the proposed development subject to compliance with a condition stating that visibility splays will be in accordance with the attached RS1 form.

PPS2: Natural Heritage

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

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

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.

Owing to the age and setting of the old building and its location adjacent to mature hedging and trees, it was considered necessary to seek a Preliminary Ecological Assessment (PEA) of the site as the building and surrounding vegetation was considered to have bat roost potential. Natural Environment Division were consulted on receipt of the PEA, they responded stating, "given the availability of suitable habitat, it is not unreasonable to suggest that badgers may be present in the vicinity. As badgers and the setts are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), NED

requires further information regarding the presence/absence of badgers in order to provide a substantive response.”

The proposed development is not acceptable in principle therefore it was not considered necessary to put the applicant to the added expense of commissioning this badger survey sought by NIEA.

Recommendation:

Refusal is recommended

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY3 of PPS21 in that the building to be replaced does not exhibit the essential characteristics of a dwelling house and therefore would not represent a replacement opportunity.

Informatives:

The drawing number to which this decision relates is: LA07/2019/1087/ 01

Case officer:

Authorised by:

Date:



Planning Committee Site Visit Note

REF: **LA07/2019/1087/0**

PROPOSAL: Replacement dwelling and garage Approx. 50m North East 21 Drakes Bridge Road
Crossgar

DATE: 07 August 2020

ATTENDEES: R Burgess

S Doran

G Hanna

V Harte

M Larkin

D Murphy

G O'Hare

G Stokes

J Tinnelly

Annette McAlarney (Senior Planner NMDC)

Reasons for refusal outlined. Building inspected externally and internally by Councillors.

Annette McAlarney
Senior Planner
07 August 2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1087/O

Date Received: 10th July 2019

Proposal: Replacement dwelling and garage

Location: Approximately 50m North East of 21 Drakes Bridge Road, Crossgar

Addendum for committee

Representations:

Since the last appearance at committee and resultant committee site visit on 7 August 2020, an additional objection has been received, raising objection on the following grounds:

- Property was never a dwelling for human habitation (only for animals and a small smithy)
- Road safety concerns on Drakes Bridge Road.

Consultee response update:

NIEA were consulted on a Bat survey which was received on 15/08/22.

The bat report was not sought during the lifetime of the original application as refusal was being recommended and it seemed unfair to put the applicant to this expense when refusal was being recommended.

Following the initial committee meeting, it was deferred for a site visit. It was then pulled off committee agendas for several months due to the agent's period of sickness. When it was presented again at committee, it was deferred once again in order for the agent to seek the necessary surveys as required by NIEA.

The bat survey found that no individual bats or group of bats were recorded emerging from or re-entering the structure at any point during the single activity survey visit and therefore no impacts on roosting bats are predicted as a result of this development.

There are also no predicted impacts on foraging or commuting bats given the development has no plans for any external night time lighting.

NIEA NED is content that the proposal is unlikely to significantly impact protected and/or priority species or habitats.

The recommendation to refuse this application remains unchanged, however ecological concerns have now been addressed.

Recommendation:

Refusal is recommended

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY3 of PPS21 in that the building to be replaced does not exhibit the essential characteristics of a dwelling house and therefore would not represent a replacement opportunity.

Informatives:

The drawing number to which this decision relates is: LA07/2019/1087/ 01

Case officer: J McMullan

Authorised by: A.McAlarney

Date: 01 November 2022

Planning Committee Schedule of 16th November 2022

Planning reference: **LA07/2019/1087/O**

Proposal: **Proposed replacement dwelling & garage.**

Applicant: **Mr Patrick Megoran**

Location **50m North East of 21 Drakes Bridge Road Crossgar.**

Recommendation: **Refusal**

Reasons

- 1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- 2. The proposal is contrary to Policy CTY3 of PPS21 in that the building to be replaced does not exhibit the essential characteristics of a dwelling house and therefore would not represent a replacement opportunity.**

Site Description

The proposal is for outline planning approval for a replacement dwelling and garage on a site 50m North East of 21 Drakes Bridge Road, Crossgar located outside the development limit of the settlement of Crossgar as designated in the Ards and Down Area. The site is located in the open countryside and is surrounded by existing farm buildings and a currently unoccupied dwelling with all buildings been accessed via an existing laneway.

Site History

No relevant planning history.

Planning Policies & Considerations

RDS, SPPS, PPS 21, PPS3, Ards & Down Area Plan 2015, Building on Tradition (Guidance Document).

Consultations and Representations

The following consultations were carried out –

Water Ni - No objections

Dfi Roads - No objections

NIEA –No concerns in relation to Natural Heritage

Following notifications of the relevant neighbours and advertisement in the local press one objection was received where the author made comment on the alleged history of the building.

Assessment of reason for Refusal

Refusal Reason 1

The dwelling which is the subject of the application is located in the countryside as defined in the Ards & Down Area Plan 2015, it being the current Area Plan covering the site location. As the replacement opportunity is located in the countryside it is essential that any

replacement be on the same site and as such the proposal is compliant with SPPS and Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the Countryside and as such could not be located in a settlement. The existence of a replacement opportunity allows for this under the policy thus compliance with this reason for refusal.

Refusal Reason 2

The proposal is compliant with the requirement of Policy CTY3 Replacement Dwellings which states that Planning permission will be granted for a replacement where the dwelling to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

In this situation the subject dwelling not only has the four external walls intact it also has a corrugated metal roof supported on existing timber beams.

From scrutiny of the officer's report it is clear that the absence of a chimney is clearly a deciding factor in the officer reaching the decision that this building does not meet the criteria as set out in policy CTY3 however the applicant would state that the stone built dwelling which is the subject of this proposal does meet the requirement of the policy test and should be considered to be acceptable under the spirit of the policy.

The building is single storey and of stone built status with a corrugated metal roof similar to many buildings that this Council have considered acceptable, it is clear that the existing structure has not been interfered with in an attempt to persuade the planning authority that it meets criteria of the policy rather the applicant relays on interpretation of the policy as has been the case in so many such applications considered by this authority.

The applicant has acquired the lands and property which were offered for sale some time ago and he has set about improving the farm land an reinstating it to agricultural use as the lands have lay desolate for many years previous due to neglect. The applicant has presented a sworn Statutory Declaration by Martin Gill recalling his visits to the site and recollections of the building been occupied as a dwelling unit.

Conclusion

The replacement opportunity that exists on the site complies with the requirements of a replacement dwelling under Policy CTY3 as it has the essential characteristics of a dwelling namely four intact external walls, a lean-to to one side and an existing roof. The absence of a chimney breast is the only defining reason that the officers offer to make the dwelling non-compliant with policy. It must be noted that such an absence has not been the defining consideration as set out in the policy, nor on other replacement opportunities which have been considered by the officers and Committee in the past.

The site when considered against the policy clearly meets the set out requirements of Policy CTY3 and while the structure is small in size (2 No rooms) there is no reason why it should not benefit from the grant of an approval. The applicant has supplied the requested information re: ecology both bats and badgers (at considerable expense) and the NIEA responses state No Concerns in relation to natural heritage.

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for.



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

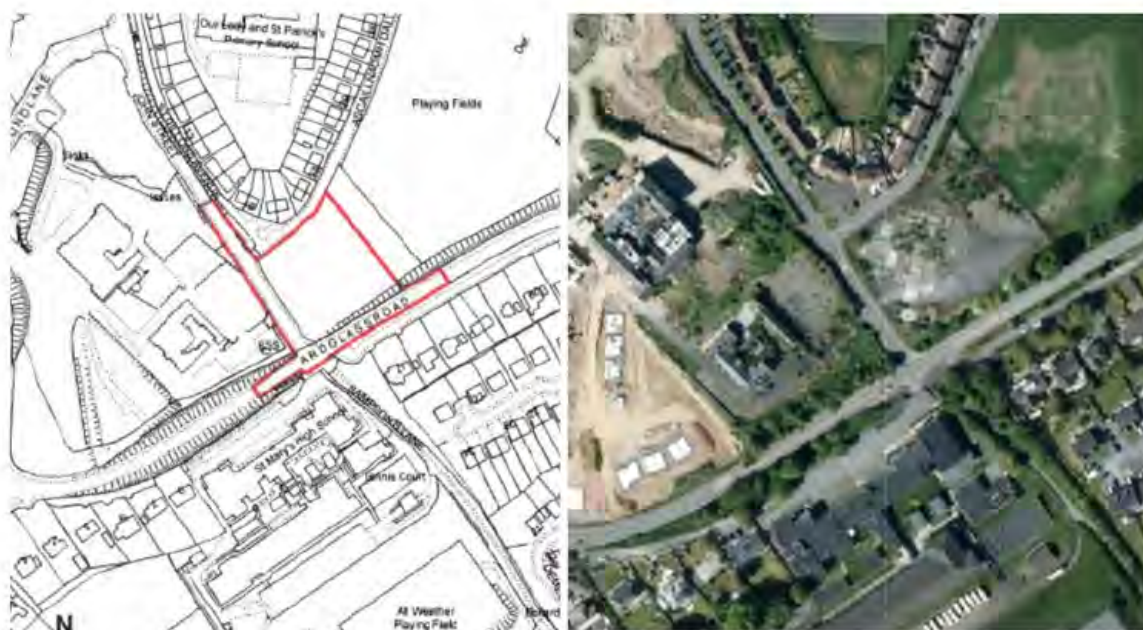
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2020/1588/F

Date Received: 19.10.2020

Proposal: The application is for full planning permission for the development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works.

Location: The site is located at the former St. Patrick's Primary School site Ardglass Road Downpatrick.



Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Downpatrick as designated in the Ards and Down Area Plan 2015.

The site is located at the junction of Ardglass Road and John Street. It is currently a vacant site which has become overgrown with some vegetation following the demolition of the former primary school on the site. Google streetview 2008 indicates that there were vehicular

accesses to the school site on John Street and St Dillons Avenue with a pedestrian access onto the Ardglass Road close to the junction with John Street. The fencing from the former school still currently encloses the site.

The site is located to the south of Downpatrick approx 250m from the Town Centre. There are residential properties to the north of the site on St Dillons Avenue which include pairs of semi-detached two storey red brick dwellings. There are playing fields to the east, residential properties and St Mary's High School are located to the south of the site across the Ardglass Road. The former Downe Hospital has a recently constructed residential development which is located to the west where construction is at an advanced stage with a vehicular access opening onto John Street.

Site History:

LA07/2020/0009/PAD | Junction of John Street & Ardglass Road, Downpatrick | Petrol filling station, two convenience retail units. one hot food unit and associated access and parking arrangements

R/2008/0396/F | St Patricks Primary School, St Dillon's Avenue | Removal of 2No 54sqm mobiles and provision of single mobile with toilet facilities. Permission Granted 03.09.2008.

R/1994/0725 | St Patrick's Boys' Primary School St Dillon's Avenue Downpatrick | Extension to provide caretaker's store | Permission Granted.

R/1991/0578 | Adjoining St Dillons Avenue Edwards Street and Ardglass Road Downpatrick | Palisade fencing around playing fields | Permission Granted.

Other associated planning applications for the primary school.

Planning Policies & Material Considerations:

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.

Ards and Down Area Plan (2015) – The site lies within the settlement limits of Downpatrick.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

SPPS: Town Centres and Retailing: Para 6.278 relates to retailing in villages. Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

PPS 2: Natural Heritage: Sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking: Sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning Archaeology and the Built Heritage sets out the policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people property and Environment.

Guidance

DCAN 15 Vehicular Access Standards

DOE Parking Standards

Consultations:

NI Water – Statutory Response PDE should be applied for. NI Water notes the following.

There is available capacity at the WWTW. There is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. There is a public surface water sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. Connections will be restricted to Greenfield Runoff rate of 10 litres/second/hectare.

DFI Roads – No objections subject to PSD conditions

NIEA – WMU – If Northern Ireland Water Limited (NIW) indicate that the WWTW and associated sewer network is able to accept the loading generated by the proposal, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. NI Water have indicated there is available capacity at the WWTW.

NIEA Land Soil Air – No objections subject to conditions

NIEA – NED – No objections subject to a condition

Environmental Health – No objections subject to conditions

Historic Environment Division (HED) – No objections

Dfi Rivers – No objections

Shared Environmental Services (SES) – no formal consultation required.

Objections & Representations

In line with statutory requirements neighbours have been notified on 15.11.2021 and again with amended plans on 31.03.2022 and 09.06.2022. The application was advertised in the Down Recorder on 18.11.2020 (expiry 02.12.2020).

A total of 21 letters of objection were received in relation to the proposal. The main issues can be summarised as below.

- Traffic generation
- Congestion – school and new housing development
- road safety – proximity to the school and walking pedestrians – 4 accesses in close proximity
- infrastructure unable to cope
- flood issues
- sewerage and NI Water issues
- operating times of the PFS – impact on families
- noise and lighting disturbance
- details regarding the noise impact assessment
- visual impact
- impact on Ballymote Centre – contrary to SPSS retail impact and sequential tests and no need for it has been demonstrated
- environmental issues and removal of Trees and hedge
- Hazardous materials being contained within a small site
- antisocial behaviour
- 24hr petrol station only 5mins away

This is just a summary of the main points of the objection letters which have been read in full and are available to read on the planning portal.

Consideration and Assessment:

The main issues to consider in the determination of this application are:

- Principle of development
- Retail Impact
- Access, Road Safety, parking and Circulation
- Visual Impact - Design and Appearance
- Residential Amenity
- Other matters

The application was accompanied by, P1 form, site location plan, site layout, floorplans and elevations and the following documents

- Planning Statement;
- Retail Statement;
- Transport Assessment Form;
- Servicing Management Plan;
- Preliminary and Generic Quantitative Risk Assessments;
- Drainage Layout;
- Odour Assessment;
- Acoustic Assessment; and
- Ecology Report.

The application was initially submitted for a development which comprised a larger retail unit, separate retail unit and separate hot food unit. Following objection from MBA Planning who were acting on behalf of the units which make up the Ballymote Centre Downpatrick challenging the retail impact on this proposal, the scheme was subsequently reduced and is subject to this assessment. The proposal also involves the closing of the Edward Street shop and this could be controlled by condition and a planning agreement.

Proposal

The proposal is for the development of a new petrol filling station with additional separate hot food unit. The development will include a new sales building with entrance lobby and with food prep area, ATM, back of house (including chillers and freezers, covered external yard and external yard. The proposal also includes canopy, lighting, fuel pumps, jet wash, car parking and vehicle access and egress.

The building measures some 17.5m by 54.8m in footprint. The proposed building would be located to the east of the site close to the eastern boundary, with its front elevation facing westwards towards John Street. This retail element building would measure some 17.5m by 36m in area, and with its flat roof would stand some 5.4m in height. The hot food unit has a pitched roof measuring 9.5m in height. The retail unit would have a total gross floorspace of 857gsm with 519 sqm net sales space. The hot food unit would have a gross floorspace of 84 sqm. The walls of the retail unit will be double glazed grey ppc aluminium curtain walling with light grey finish to external walls and timber effect cladding. There are glazed elements in both the retail unit and hot food bar unit. The pitched roof will have dark grey / black roof tiles / slates. An ATM machine would also be installed to the front of the building along the side of the hot food bar unit.

The forecourt will be a three pump island facility i.e. six fill points located under the canopy, with six waiting spaces. The proposed canopy would measure some 24m in length and some 11m wide; and it would stand 6.2m in height. The external yard and covered yard are located along the eastern boundary. This rear boundary is defined both a 1.8m high timber fence above a retaining wall. The boundary will extend around the corner with Ardglass road comprising a wall and railing remaining a min 1.8m high above lower ground level at the bottom of the bank. A proposed rendered wall and railings defines the southern boundary which is separated to the roadside by new hedgerow which will replace the hedgerow that is being removed. Beyond this is a new footpath and right hand turning lane. A jet wash is being sited along the western boundary. The proposed jet wash would stand 4.4m in height.

In terms of parking provision, the proposal would provide a total of 53 car parking spaces (+6 at pumps) (one of which will provide air/water/vacuum facilities) It will also include including 4 enhanced accessibility spaces and future provision allowed for 6 e-car charging points to the north of the forecourt. The development would see an access entrance only from Ardglass Road and exit only onto John Street with a pedestrian access onto St Dillons Avenue.



Principle of Development

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

The site lies within the settlement limit for Downpatrick. The application site is not subject to any specific designation or zoning and is considered 'whitelands'. The ADAP does not include any policies that the proposal can be tested against in retail impact terms. The ADAP designates the town centre of Downpatrick as Proposal DK 23.

SPPS

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. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

In principle the site is a brownfield site formerly a primary school. It is considered that the principle of this development in this location to be acceptable; and from this, the key issues to consider are retail impact, visual impact, residential amenity, road safety, and ecological issues.

Retail Impact

Paragraphs 6.267-6.292 of the SPPS set out policy in relation to 'Town Centres and Retailing', incorporating a town centres first approach for retail and other main town centre uses. The SPPS states that where retail uses are proposed outside of main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal. Para 6.281 states '*Applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):*

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good*

public transport modes.'

A Retail Impact Assessment was prepared and submitted by Braniff Associates (BA) on behalf of the applicant. Within the report an analysis of the Population in the catchment, expenditure in the catchment, turnover of proposal, turnover of existing stores, trade draw of proposal from within catchment, market share of proposal. It is noted that an objection from MBA Planning on behalf of traders in the Ballymote Local Centre was also received whose main argument was that the proposal will have a significant adverse impact on the Ballymote Local Centre. Planning therefore engaged the services of Inaltus to carry out a detailed appraisal of the Retail Impact Assessment submitted for a proposed petrol filling station (PFS) development which at the time included the main retail unit plus 2 additional units. The appraisal was used to support the Council's consideration of the planning application in line with prevailing retail planning policy.

Closure of Spar

For closure of Spar to be given weight the applicant and owner of the Spar building would have to sign a Section 76 planning agreement securing its closure or secure the discontinuance of its use under Section 73 and deal with any compensation matters arising under Section 182 of the Planning Act (NI) 20211 (the Act). As this was not in place at the time of the appraisal the floorspace from the Edward Street store was assessed as being entirely additional.

The conclusions from the appraisal were that the predicted impact on the town centre is within an acceptable range. Indeed, if all the turnover of the proposal was diverted from the town centre the proposal would not cause significant harm. The key consideration in the appraisal is the impacts on Ballymote Local Centre which was considered a finely balanced matter. The conclusions were that the applicant had not done enough to demonstrate that the proposal is acceptable, whereby no compelling need case was presented.

The report also concluded that by applying more realistic retail assumptions results in the potential impacts of the proposal being higher than often accepted. The case presented by the applicant that this is a one for one application was not sufficiently compelling to give weight to. If more compelling evidence was presented this could diffuse the potential impacts bringing them into an acceptable range. It might also provide improved qualitative arguments for the proposal.

In relation to the objectors' concerns, businesses in Ballymote are concerned about the proposal and have presented a case that the proposal will have a significant adverse impact on it. The appraisal concludes that Ballymote currently trades strongly despite the presence of a local Spar close to the application site. This demonstrates that Ballymote has a regular, loyal and local customer base that will exist even if the proposal is developed. The fact that Ballymote now has an unmanned PFS would support and would consolidate Ballymote by giving local Ballymote customers no reason to leave to use the proposal site.

On the conclusions of the independent retail appraisal the application was amended whereby the applicant was asked for compelling evidence that the proposal is needed and a true one for one application and seek to engage Section 73 / Section 182 or Section 76 of the Act to confirm that the Edward Street Spar store will cease trading.

The proposal was amended to omit retail Unit 2 from the application and the applicant entered into a legal agreement to close Spar store at Edward Street, this is now at advanced stage. The applicant provided an updated turnover of their store. This continues to apply a sales density of £7378/sq m. The turnover reduces because of the two changes outlined above. Turnover of proposal (using as per the latest Experian Retail Planner Briefing Note 19), Sales Densities and Turnover of Existing Shops, Trade Draw, Lowest Potential Impact, Medium Potential Impact and need have all been considered as part of the amended retail package and statement from Braniff Associates (BA).

In terms of Need, the updated Retail impact statement from BA have confirmed the proposal will be needed for qualitative reasons once the current Spar shop closes, other than this there has been minimal elaboration on the need cases.

It is therefore concluded that the applicant has secured two important concessions which have the propensity to reduce retail impact. The opportunity for the applicant to elaborate on the need case has not been forthcoming. The Council therefore has make a planning judgement call based on the evidence. The objectors' genuine concerns are acknowledged and whilst the case remains an application in the balance, and having sought an independent retail appraisal, it is Planning's view that whilst impacts will undoubtedly occur, those impacts will not cause significant adverse harm to Ballymote Local Centre given the location of this centre in the heart of a regular, loyal and local customer base and the associated businesses around it with its own unmanned PFS, which make this centre well placed to withstand the opening of this proposal.

Visual Impact - Design and Appearance

Policy DES 2 of The Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to 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 finish of the new building will include a light grey / off white / light stone finish, double glazed grey PPC aluminium curtain walling, timber effect detailing and stone cladding and grey / black tiles / slates as detailed above. Consideration has also been given in relation to designs of modern petrol filling stations. The jetwash unit is appropriately scaled, and it is not unusual to find such a facility on the forecourt of a petrol station; and the new plant equipment, paraphernalia and hardstanding would cause no visual harm given its overall use. Its current state and previous use as a primary school have been taken into account. On this basis the proposed boundary treatments including fencing walls, railings and hedging with the additional hedging and soft landscaping shown along the southern boundary would provide some screening and softening of the development. In this case the materials and finishes, layout, design and appearance of the proposed petrol filling station including retail unit, proposed hot food unit and associated canopy are all considered acceptable.

Residential Amenity

The impact on the local residents also has to be taken into account. Many of the concerns relate noise and nuisance, disturbance and anti-social behaviour. On this basis Environmental Health have been consulted with regard to the proposal. A noise impact Assessment report,

a photometric report and an odour report were all submitted as part of the proposal. Objection was raised regarding the impact of noise and disturbance likely to be caused by deliveries, the jetwash, access road and pedestrian access, plant equipment/air conditioning etc and general noise and disturbance. The submitted noise report which has been considered along with objections has been accepted by Environmental Health demonstrating that these elements of the proposal would not cause adverse harm to the living conditions of local residents. It is noted that in terms of the delivery baseline of the report - this was compared to the background level recorded at the site with no activity on the site, in addition, the impact of the car parking on the nearest properties on St Dillon's Avenue (15m away) will be within the noise target values for daytime and night-time without any requirement for walls or barriers.

Suitable conditions will be imposed to safeguard the amenity of local residents. Environmental Health is also satisfied that the submitted details regarding the floodlighting and its operation would not cause unacceptable harm to the amenity of local residents. The location of the delivery area is deemed to be further away from the properties at St Dillons Ave in order to reduce the impact. The jet car wash may also have an adverse impact on the amenity of the residential properties, therefore in order to mitigate this, Environmental Health require conditions be attached to any planning permission granted, relating to hours of operation and conditions regarding the roll cages, jetwash, air/water/vacuum and acoustic fence. EH have also included a condition relating to the remedial scheme (which overlaps with conditions imposed by NIEA).

On balance and given the conditions imposed by environmental health It is considered this proposal will not result in any significant or unacceptable residential impact on any adjoining properties, or character of the area, due to its design, size and location. In addition, it is deemed that that the proposed building, canopy and other structures within the site would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook.

Access, Road Safety, Parking and Circulation

The proposal would provide a total of 53 car parking spaces (+6 at pumps) (one of which will provide air/water/vacuum facilities). It will also include including 4 enhanced accessibility spaces and future provision allowed for 6 e-car charging points to the north of the forecourt. The development would see an access entrance only from Ardglass Road and exit only onto John Street with a pedestrian access onto St Dillons Avenue.

PPS 3 -Policy AMP 9 Design of Car Parking

This policy states that a high standard of design, layout and landscaping is expected to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (A) It respects the character of the local landscape
- (B) It will not adversely affect visual amenity; and
- (C) Provision has been made for security and the direct and safe access and movement of pedestrians and cyclists within the site.

Based on DoE Parking standards

The main retail unit on 1 space per 14m² = 47 spaces, Retail unit 1 hot food is based on 1 space per 3m² NFA and 1 space per 3 employees = 7 spaces. Total car parking requirement = 54 spaces, 53 car parking spaces (+6 at pumps) have been provided.

Operationally the car park has been assessed by DfI Roads and the design and layout is found to be acceptable. The parking provision provided within the site is considered to be acceptable for a development of this nature at this location within the settlement limits and 250m from the town centre.

Previously when the site operated as a primary school there was an access from both St Dillons Ave and John Street with a pedestrian access onto Ardglass Road. DfI Roads have been consulted regarding the proposal in terms of the new access and egress points and the visibility splays (for both vehicles and pedestrians) and letters of objection. Account has been taken of the proximity to St Mary's High School and to housing at both St Dillons Ave with additional the new housing located at the old Down Hospital site. Tactile pavers and the pedestrian handrail will remain at Ardglass Road crossing over to St Mary's High School with new tactile pavers across John Street. DfI have reviewed the technical aspect of how the new junctions will operate, in addition, auto tracking analysis have been submitted and DfI Roads raises no road safety objection in terms of both delivery vehicles and customer vehicles coming and going from the site. Several letters of objection including St Mary's High School have objected to the proposal from a road and pedestrian safety perspective and that that several other concerns have been expressed regarding traffic, parking and other related roads matters. DfI Roads provide expert and professional advice to the Council. DfI Roads have taken into consideration the letters of objection and at present they offer no objections subject to private streets determination drawings.

Archaeology and the Built Heritage

The application is in close proximity to HB18 19 017A & B Former Hospital Buildings (Grade B2) at 9a Pound Lane, Downpatrick, which are of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises that, the proposal satisfies the requirements of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED therefore offer no objections to the proposal.

Flood Risk

DfI Rivers were consulted regarding the proposal. Following submission of a flood risk assessment and some further submitted drainage calculations and from a flood risk and drainage perspective DfI Rivers while not being responsible for the Drainage Assessment and associated information, accepts the applicant's logic and has no reason to disagree with its conclusions.

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

On this basis DfI Rivers offer no objection to the proposal.

Natural Heritage –Ecology

Council consultation was carried out with NIEA - Natural Environment Division and informally with Shared Environmental Services (SES).

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). SES were consulted informally, further consideration with SES was not required, as there is no conceivable impact from the development on any European site has been identified. This concurs with the Ecological Appraisal and NIEA NED did not identify any impacts on European sites arising from the proposal.

NED taking into account the submitted Ecological Appraisal Letter and Open Mosaic Habitats and Bat Roost Suitability Report and the revised 'Proposed Site Plan' which shows compensatory planting proposed for the loss of hedgerow along the Ardglass Road. NED are content that a range of native species are proposed. From the reports submitted, NED are content that an assessment of the sites suitability as OMH was completed, and the ecologist found that the habitats present do not constitute this priority habitat, given that it does not meet all five criteria as established in the standard survey manual.

NED also acknowledge that a bat roost suitability assessment was also completed. Of the eleven trees/groups of trees assessed, the ecologist found all trees to have either *negligible* or *low* bat roosting potential with no further surveys required.

Thus NED are content with the proposal subject to a condition.

Economic Consideration

Paragraph 3.3 of the SPPS states that in making planning decisions there is a need to ensure economic considerations are accorded appropriate weight. Paragraph 4.18 continues that a modern, efficient and effective planning system is essential to supporting the Executive and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region. Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities.

The agent in his planning statement has indicated that the development represents a significant investment, of some £2.8M approx. and will support some 50 jobs in a range of full and part time positions. He states that the proposed development will support a range of local suppliers to the site, supporting a range of construction jobs throughout the construction period. In addition, he states the proposed development is expected to provide a rates income in the region of some £46,000 per annum to the local authority to support the delivery of public services.

Downpatrick does require future investment and job creation, and economic development is supported in all aspects of planning. However, a balancing exercise must be carried out in relation to the competing issues. It is recognised that the proposal would bring benefits to the

area, but this must be weighted appropriately against the extent of the development and its effect on this area.

Other Matters

As part of the application process DAERA – Regulation Unit were consulted. A Contaminated Land Risk Assessment report has been provided by WYG Environment and Planning (NI) Ltd in support of this planning application. The Risk Assessment is informed by site investigations and environmental monitoring data. No unacceptable risks have been identified for environmental receptors. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Water Management Unit have noted that if Northern Ireland Water Limited (NIW) indicate that the WWTW and associated sewer network is able to accept the loading generated by the proposal, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit have no objection to this aspect of the proposal. NI water have indicated that there is available capacity at the Waster Water Treatment works.

Signage

It is noted that signage is proposed, however, these matters do not form part of the consideration of this application as they are subject to the planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Should the application be approved this can be dealt with by an informative.

Conclusion

Taking into account all material considerations including all the objections from the local neighbours, the High School and the businesses at Ballymote Centre, the previous history on the site as a primary school, the ADAP 2015, economic and no objections from any consultees, the proposal would represent an appropriate form of development that would not be visually harmful to the character and appearance of the surrounding area. It would not cause unacceptable harm to residential amenity or road safety. Given the scale and nature of the proposal it would not have an adverse impact on the overall economic vitality and viability of Downpatrick town centre or any local centre and would be of an appropriate scale for its urban location. Thus, the proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation: Approval

As per the Scheme of Delegation, as the applications has attracted six or more material planning objections from different addresses and the recommendation is for approval then the application will be presented to the Planning Committee.

The Drawings upon which this approval is based are as follows:

Proposed Site plan – 2612-P-101 REV M
 Proposed block plan 2612-P-103 REV E
 Proposed plans & elevations – 2612-P-200 REV D
 Site sections and boundary elevations – 2612-P-300 REV D
 Jet Wash, Boundary details, visibility splays and fuel canopy – 2612-P-102 REV C
 Site location Plan – 2612-01REV H

Private Streets Drawing - 19-176-C10b

WYG Contaminated Land Risk Assessment (8 October 2020)

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 2612-01REV H, 2612-P-101 REVM, 2612-P-103 REV E, 2612-P-200 REV D, 2612-P-300 REV D, 2612-P-102 REV C, 19-176-C10b, WYG Report.

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
 The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 19-176-C10.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number **19-176-C10b** bearing the date stamp 14/10/2022. 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.

5. The vehicular access / egress, including visibility splays and any forward sight

distance, shall be provided in accordance with Drawing No. **19-176-C10b**, 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.

6. No other development hereby permitted shall become operational until provision has been made and permanently retained within the curtilage of the site for the parking of private cars as indicated on drawing no **19-176-C10b**.

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

7. No other development hereby permitted shall become operational until the footway indicated on drawing no **19-176-C10b** bearing the date stamp 14/10/2022, has been constructed to final wearing course.

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

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

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

9. The gross floor space hereby permitted shall not exceed 857 square metres when measured internally.

Reason: To control the nature range and scale of commercial activity carried out at this location.

10. The net retail floor space hereby permitted shall not exceed 519 square metres when measured internally. This approved net retail floor space shall be used only for the retail sale and ancillary storage of the items listed here under and for no other purposes, in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

- a) Food and drink;
- b) Tobacco, newspapers, magazines and confectionary;
- c) stationary and paper goods;
- d) Toilet requisites and cosmetics, household cleaning materials; and
- e) other retail goods as may be determined in writing by the Council as generally falling within the category of (convenience goods).

Reason: To control the nature, range and scale of commercial activity to be carried out

at this location and to ensure compliance with the SPPS's objectives and policies for retailing and town centres.

11. No internal operations including installation/extension of mezzanine floors shall be carried out to increase floor space available for retail use without prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

12. The retail unit hereby approved shall not be sub divided or otherwise modified to create additional units without the prior written approval of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

13. The petrol filling station hereby approved shall not be used for the sale, display or repair of vehicles.

Reason: To protect the character and appearance of the area and in order to ensure the amenities of the nearby residents are not affected.

14. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any other purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

15. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

16. After completing the remediation works under Condition 15; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

17. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>.

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

18. The development hereby approved shall not be operational outside the following times:- 06.00 – 23.00 hours.

Reason: To safeguard the living conditions of residents in nearby properties.

19. No deliveries, collection of goods or services including refuse and fuel shall be taken at the premises between the hours of 21:00 and 07:00 daily.

Reason: To safeguard the living conditions of residents in nearby properties.

20. There shall be no moving of roll cages in the delivery area before 07:00 or after 21:00 hours daily.

Reason: To safeguard the living conditions of residents in nearby properties.

21. The jet car wash and air/water/vacuum units shall not be used between the hours of 23:00 and 07:00 daily.

Reason: To safeguard the living conditions of residents in nearby properties.

22. Floodlighting on the site shall be in accordance with Institution of Lighting Professionals Guidance Notes on the Reduction of Obtrusive Light.

Reason: In order to prevent unnecessary light intrusion to nearby residential property.

23. The acoustic fence proposed shall be close lapped leaving no gaps and shall be retained as such.

Reason: To safeguard the living conditions of residents in nearby properties.

24. The three downy birch trees, assessed as having *low* roosting potential, shall be subject to soft-felling techniques, under the supervision of an Ecological Clerk of Works (ECoW).

Reason: To protect bats and potential roosts.

25. Condition in relation to the Article 76 agreement is to be finalised by Planning prior to decision notice issuing.

Informatives

1. The purpose of the Conditions 15 to 17 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and enduse of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Land, Soil & Air

2. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

3. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from: <https://www.daera-ni.gov.uk/articles/waste-management-licensing> <https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

4. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992

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

5. Separate approval must be received from DfI Roads Service in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

6. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, (Marlborough House Graigavon) The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the

cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

8. Road drainage to be agreed with Private Streets Engineer prior to commencement.

9. Pedestrian Crossing points to be agreed with Private Streets Section.

10. Water Management Unit would advise the applicant to contact the Water Regulation Team dustrialconsents@daera-ni.gov.uk at their earliest convenience to discuss the matter of Discharge Consent.

The applicant should be aware that if there is the intention to direct vehicle wash water through a petrol interceptor, the detergents from this wash water would render the petrol interceptor useless. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below:

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.asp

x The applicant must also refer and adhere to the relevant precepts in DAERA Standing Advice on Vehicle Washing.

Care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage - drums and intermediate bulk containers, and the use of oil separators in surface water systems (including the restrictions due to use of detergents).

The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. The applicant should also consult Pollution Prevention Guideline (PPG) 27 'Installation, Decommissioning and Removal of Underground Storage Tanks' which can be found at:

http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.asp

x

See WMU consultation for full list of informatives.

11. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are

in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

12. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by Planning Office (in consultation with the Environmental Health of Newry, Mourne and Down District Council).

13. BATS (all species)

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal;

or

- e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately

and further advice sought from the Wildlife Team, Northern Ireland Environment Agency,

Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 0289056 9558 or 028 9056 9557.

14. ALL BIRDS

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

15. Archaeology & Built Heritage

- Planning Act (Northern Ireland) 2011
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
- Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development.
- BS 7913:2013 Guide to the conservation of historic buildings
- Consultation Guide - *A guide to consulting HED on development management applications* - <https://www.communities-ni.gov.uk/publications/guide-consulting-hed-developmentmanagement-applications-and-guidance-listed-building-consent>
- ICOMOS XI'AN Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas.
- HED Setting Guidance, Feb 2018 <https://www.communitiesni.gov.uk/sites/default/files/publications/communities/guidance-on-setting-and-the-historicenvironment.pdf>
 - Please also see HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planningservices-and-standards-framework.pdf>

16. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

17. 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.

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

Case Officer

C Moane

Date 02/11/2022

Appointed Officer

A.McAlarney

Date 02 November 2022

Planning Application Ref. LA07/2020/1588/F at Ardglass Road, Downpatrick

Submission to Newry, Mourne and Down Planning Committee, 16th November 2022

1.0 The Proposed Development

- 1.1 The application was submitted by the Henderson Group in October 2020. The proposal is for the development of a petrol filling station and associated retail unit, a hot food unit, ATM and jet wash and associated access, car parking and landscaping arrangements. A second retail unit was originally proposed but this was removed from the scheme in recognition of concerns expressed by the Council in relation to retail impact.
- 1.2 It will provide a 780 sqm gross floorspace shop, a 90 sqm gross floorspace hot food unit, a 3-pump island petrol filling station and car parking provision to published standards. The filling station shop will replace the existing SPAR on Edward Street, creating an additional 445 sqm net of retail space. A Legal Agreement forms part of the proposal to ensure the closure of the SPAR on Edward Street. The new EUROSPAR will bring a new retail offer to Downpatrick with associated benefits arising in terms of increased competition and choice.
- 1.3 The proposal will deliver the redevelopment of a vacant, brownfield site (the former St Patrick's Primary School). The building has been designed, with its pitched roofing and brick and render finish, to both match and complement the site context.
- 1.4 The proposal represents a £2.8M investment which will support 50 approx. jobs and will result in additional rates income of £45,000 per annum approx.

2.0 The Pre-Application Discussion Process

- 2.1 The proposal was the subject of a positive Pre-Application Discussion with Newry, Mourne and Down District Council in 2019 / 2020 prior to the submission of the planning application.

3.0 The Planning Application Process and Assessment

- 3.1 A comprehensive planning application package has been provided in support of the proposed development and informed by the Pre-Application Discussion. In addition to a comprehensive drawing package, the planning application package included:
 - design and access statement;
 - planning statement;
 - retail statement;
 - transport assessment form and servicing management plan;
 - lighting assessment;
 - preliminary and generic quantitative risk assessments;
 - drainage assessment;
 - noise assessment; and
 - odour assessment.

- 3.2 Revised plans removing the second retail unit to reduce the scale of the proposal and amending the access arrangements were provided during the course of the planning application process in response to requests from the Council and DfI Roads.
- 3.3 Consultations were undertaken by the Council with DfI Roads, NI Water, Environmental Health, DAERA, Shared Environmental Services, Historic Environment Division and DfI Rivers. All consultees have no objections to the proposal, subject to conditions.
- 3.4 There have been 20 letters of objection from 16 addresses (including 13 local residents, St Mary's High School and a planning consultant on behalf of the Ballymote Local Centre) during the two-year period in which the application has been under consideration. There has been 1 further letter of representation, from the Sisters of Mercy, which welcomes the proposal in principle whilst noting a number of other comments.
- 3.5 The Council procured specialist, independent advice from Inaltus, a retail consultant including consideration of the retail need and impact concerns raised by the Ballymote Local Centre. Informed by this, the Council's Planning Department has concluded, as per the Applicant's retail assessment, that there will be no unacceptable adverse impacts arising and that the proposal complies with relevant planning policies.
- 3.6 The Henderson Group have met with St Mary's High School to discuss their concerns and to witness the period of congestion associated with the end of their school day. The access arrangements were amended and have subsequently been discussed in detail with DfI Roads who have no objections to them.
- 3.7 Ultimately, all the issues of concern have been thoroughly assessed, statutory consultees have no objections and the Council's Planning Department are satisfied that there are no unacceptable impacts arising from the development and that the proposal complies with all relevant planning policies. The Henderson Group own and operate other facilities in similar contexts and the Ardglass Road site will be managed to the same high standards requisite across all their sites.

4.0 Conclusion

- 4.1 It is respectfully concluded that the proposed development will provide a quality, modern, local shopping and service facility – a relocation and upgrade of the existing SPAR on Edward Street. It is a demonstration of private sector confidence in Downpatrick which will contribute to the sustainability of the neighbourhood through the provision of accessible, local services.
- 4.2 The proposal is consistent with the local development plan and the prevailing planning policy context. It has been thoroughly assessed by the Council and statutory consultees over the last two years, resulting in a recommendation for approval. It is an investment by a local business and it is commended to the Committee for approval.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2020/1651/F
Date Received:	10/11/2020
Proposal:	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).
Location:	75m north of 18 Ballinasack Road, Mullaghbawn, Newry

1.0. Site Characteristics & Area Characteristics:

- 1.1. The site is located on the elevated and minor Ballinasack Road. The site currently encompasses foundational work and steel caging and is currently located below the level of the road (approximately 3 metres below) but is situated above the level of the dwelling at No.18 (approximately 5m, to a maximum of 10m in parts) and is approximately 45 metres to the north of No.18. The site is bounded by post and wire fences with low hedges to the front of the site. The surrounding area is rural in character and is characterised by farm groups and single houses.
- 1.2. The site is located in the open countryside outside of any settlements and within the Ring of Gullion Area of Outstanding Natural Beauty (AONB) as designated in the Banbridge Newry and Mourne Area Plan 2015.

2.0. Site History:

P/2003/0168/O

- Site for dwelling and garage
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 20.06.2003

P/2006/2002/F

- Erection of dwelling
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 11.01.2008

P/2010/0904/F

- Erection of farm dwelling to include retention of existing foundations
- 45m north of 18 Ballinasack Road, Mullaghbawn
- Application withdrawn

3.0. Consultations:

Transport NI – DfI Roads has no objection in principle to this application.

NI Water – Generic response to routine planning application

HED – On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

4.0. Objections and Representations:

One neighbour was notified of the proposal on 15/12/2020. The proposal was also advertised in local press 12/01/2021.

Two items of correspondence were received from an objector on 27 January 2021 and 25th March 2021. Issues raised are summarised below:

- Address of site conflicts with footprint of proposed dwelling
- Non-compliance of previous approval with planning law
- Proportion of site covered by run-off area (in relation to septic tank emptying consultation response).
- Personal circumstances should not take precedence over other planning and development considerations.

5.0. Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

6.0. Site context/Background

- 6.01.** There is a long and complex planning history related to this application site, which is a material consideration for this planning application.
- 6.02.** By way of background, outline approval was granted on the site for a house on 20th June 2003 under reference P/2003/0168/O. This was subsequently followed, on 11th October 2006, by a full application for the erection of a dwelling

under reference P/2006/2002/F. This was granted approval on 11 January 2008 with a one-year time limit to commence development.

- 6.03.** On 19th February 2010, the previous planning authority, Department of Environment (DoE Planning), initiated an enforcement investigation, under file reference P/2010/0108/CA, in response to complaints regarding the alleged unauthorised commencement of works on the site. On 20th May 2010, DoE Planning served a planning contravention notice on the landowner and in response, the applicant stated he had started work, on the site, in Autumn 2009. This date was beyond the time limit of the previous approval which should have commenced by 11th January 2009. On the 19th July 2010, the DoE Planning subsequently received an application, P/2010/0904/F, for the erection of a farm dwelling to include the retention of the existing foundations.
- 6.04.** This application was considered over a period from July 2010 to November 2011, whereby numerous objections, amended plans and additional information was submitted. On 8th December 2011, the application was presented to the legacy Council, Newry, Mourne & Down District Council, as an approval and was subsequently deferred. The application was reconsidered, and it was concluded that there was no evidence to prove that works had started in accordance with the previous approval. A recommendation for refusal was presented to Council and deferred on 10th February 2012. A meeting was held between the Department and the applicant/agent in May 2012, whereby it was contended the applicant had an active farm and it was proposed to submit farm map and a P1C form for consideration as an application under a farm dwelling under Policy CTY 10 of PPS 21.
- 6.05.** These documents were submitted to DoE Planning in May 2012. Following consultation with DARD, it confirmed the Business ID had been in existence for more than 6 years, but payments or allowances had not been claimed in the last 6 years. It was considered by the planning authority that there was an established farm and that the application complied with the requirements of Policy CTY 10 of Planning Policy Statement 21 (PPS 21) and approval was recommended.
- 6.06.** This recommendation was subsequently deferred by the Council on 7th March 2013. A meeting was held between the Department and the objectors in May 2013. The information raised in the meeting was considered and a further assessment made. The application was again recommended for approval. This decision did not issue due to a further review by the former planning authority.
- 6.07.** Jurisdiction for the planning application then passed to Newry Mourne & Down District Council, following the transfer of planning powers in April 2015. On 7th September 2016, a meeting took place between the Council's Planning Department, the planning agent, applicant and a local elected representative. The complex history of the site was reviewed. The agent put forward reasons in support of an approval for consideration.

- 6.08.** On 24th November 2016, the planning agent submitted an amended proposed site layout and existing site layout survey and cross section for consideration by the Planning Department. The application was then further assessed by the Planning Department, and it was concluded that it was contrary to a number of statutory planning policies, including: the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10, Policy CTY 8, Policy CTY 13 and Policy CTY 14 of PPS 21 'Sustainable Development in the Countryside'; and Policy NH6 of Planning Policy Statement 2, 'Natural Heritage.' This was on a number of planning grounds including: it had not been demonstrated that the farm business was active or established; the proposed dwelling did not visually link or cluster with established buildings on the farm; and that the proposed dwelling would lead to inappropriate ribbon/suburban development in the countryside.
- 6.09.** The application was tabled for the Planning Committee on Wednesday, 26th June 2019 with a recommendation to refuse, as outlined above. The Planning Committee voted to overturn the case officer's recommendation on the grounds that significant excavation works had taken place and the applicant believed he had complied with regulations by commencing works. It was agreed officers be delegated authority to impose any relevant conditions.
- 6.10.** The Planning Department then issued a formal approval notice, on 2 July 2019, subject to a number of planning conditions.
- 6.11.** A formal application for leave to apply for a Judicial Review was then lodged by an objector in respect of the decision by Newry, Mourne & Down District Council to issue planning permission for the application on 2 July 2019. This was on the grounds that the decision was unlawful and of no effect. Legal advice was sought by the Planning Department, following the application for leave to apply for a Judicial Review, in line with normal procedure.
- 6.12.** Members of the Planning Committee were advised of the application for leave to apply for a Judicial Review at its meeting on 16 October 2019. The Committee voted to accept the legal advice given by Counsel and legal advisors and to concede the application on one ground, namely the 'reasons' issue.
- 6.13.** The application was returned to the Planning Committee on 29 July 2020 with a similar recommendation to refuse. Members voted to defer the planning application to allow for a site visit to take place so the Committee could assess the site in more detail.
- 6.14.** The application was subsequently formally withdrawn by the agent on 16th September 2020 and members of the Planning Committee were subsequently advised of this, at its meeting on Wednesday, 23rd September 2020.
- 6.15.** The applicant has now submitted a further application on the site for the 'Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).' This application must now be assessed.

7.0. Planning Consideration and Assessment.

- 7.1. This application seeks approval for a change of house type from that previously approved under P/2006/2002/F. The Planning Department has carefully assessed the application against prevailing planning policies and in the context of all relevant material considerations.

Banbridge/Newry and Mourne Area Plan 2015

- 7.2. Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use, therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

- 7.3. As there is no significant change to the policy requirements for the change of house type following publication of the SPPS, the retained planning policy is PPS 21 – Sustainable Development in the Countryside. This policy will be given substantial weight in assessing the proposal in accordance of para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

- 7.4. This proposal is for a change of house type to that previously approved under P/2006/2002/F. As outline above, the previous approval did not lawfully commence within the period prescribed by the formal approval. In the light of this fact, this change of house type is unacceptable, as the approval P/2006/2002/F, the subject of this application, has now lapsed, (also refer to Para 7.7 -).
- 7.5. The Planning Department advised the agent via email 22nd January 2021 that it was not considered that the previous permission P/2006/2002/F commenced lawfully, and this permission has lapsed. An opportunity to provide any additional information was offered.
- 7.6. The main points offered in response are listed below:
- *A decision-maker is lawfully entitled to attach as much or as little weight to an individual material consideration as it sees fit. Any planning decision involves the careful balancing of a number of material considerations, of which planning policy is but one. It follows that a site's planning history (owing to a history of planning approvals) could be attributed greater weight than the failure to comply with a planning policy that arose after that decision was taken.*
 - *Decision-makers are lawfully entitled to take account of an individual's circumstances, in endeavouring to ascertain whether that individual believed that he had exercised due care and attention in the implementation of an earlier planning permission.*

- *In this case, a combination of personal and domestic circumstances were at play in the period when the applicant ought to have been implementing his planning permission.*
- *Various factors can be taken together to justify a departure from planning policy, and are as follows:*

The long history of planning approvals on this site and the legitimate expectation that there would always be a dwelling thereon;

The applicant's genuine endeavours to implement a permission, however ineffective;

The applicant's personal circumstances in the period when development was to have commenced;

The fact that the applicant was prejudiced to the extent that his permission was to be implemented in a more stringent timeframe than many others of that time (even to this day there is inconsistency of approach with some applicants receiving 5 years and others receiving only one year); and

To this day, the NI Planning Portal states that the applicant's time limit was not in fact curtailed beyond the standard 5-year period, another indicator of the confusion that reigned.

- 7.7.** The Planning Department has considered the points raised above and within the supporting statement provided. The previous full permission P/2006/2002/F was granted 11th January 2008 with condition 1 requiring development shall hereby permitted shall be begun before the expiration of 1 year from this date. The amount of time specified to commence a development is at the discretion of the planning authority. In the case of a full application for a dwelling on the foot of a previous outline approval, it was often standard practice to seek to link the time period as close as possible to the period specified in the original outline approval. In this case the previous planning authority judged that a period of one year was reasonable to enable the development to commence on site. The Planning Department do not consider that the issues raised, by the agent, are of sufficient weight to overcome the time requirements attached to the formal approval notice issued in respect of P/2006/2002/F.
- 7.8.** Condition 4 of the formal approval notice also required that the vehicular access including visibility splays and any forward sightline shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted.
- 7.9.** This pre-commencement condition 4 was not complied with, as the access, splay and forward sightline have not been completed or implemented on the site. Failure to comply with condition 4 means that the permission has lapsed and has not commenced.
- 7.10.** Furthermore, aerial photography as well as superimposed drawings provided by the former agent show that the foundational work, carried out on the site, is built in the wrong position and is not in accordance with the approved plans. The permission has not commenced. Additionally, the applicant has previously stated that he started work on the site in autumn 2009 - after the one-year expiry

date of the previous approval (which would have been 11th January 2009). The Planning Department consider that the previous approval on the site was not commenced and this permission has lapsed.

- 7.11.** At a meeting in May 2012 the applicant and former agent appeared to accept that the previous approval had not commenced and said that had a small active farm and Business number and subsequently a P1C form and farm map were submitted for consideration and assessment in May 2012 and the proposal was also amended to the erection of farm dwelling to include retention of existing foundations.
- 7.12.** In the light of the above, the Planning Department remains of the same opinion, as outlined above, that the previous approval P/2006/2002/F has not commenced lawfully. There is no basis on which this application for a change of house type to that previously approved can be approved. In the interests of completion, it has assessed the application against prevailing planning policy.

Policy CTY1 of PPS 21

- 7.13.** Policy CTY1 of PPS 21 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.
- 7.14.** Policy CTY1 states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:
- *A dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
The proposal is not located at an existing cluster of development.
 - *A replacement dwelling in accordance with Policy CTY 3;*
The proposal does not relate to a replacement dwelling.
 - *A dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
No personal or domestic circumstances information has been provided with this application.
 - *A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
No evidence of a non-agricultural business enterprise has been provided with this application.
 - *The development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8;*
The application site does not represent a small gap within an otherwise substantial and continually built up frontage.
 - *A dwelling on a farm in accordance with Policy CTY 10.*

No evidence has been provided with this application to qualify for a dwelling on a farm.

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

CTY 13 - Integration and Design of Buildings in the Countryside

- 7.16. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is an appropriate design. A new building is unacceptable if any of the Criteria A to G are applicable.
- 7.17. It is considered that the proposal will be a prominent feature in the landscape, the site lacks long established boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration and ancillary works do not integrate with their surroundings. The site is open and exposed with little in the way of screening and is elevated in nature in relation to the surrounding topography.
- 7.18. Furthermore, it is the proposed intention to infill/ raise the levels in the site, further exacerbating issues of prominence on the site, any little screening that there is will be removed and it will not be possible for the proposal to integrate if approved. Sight splays, access and forward sight line work will be required to the front of the site which will further expose the issues of integration and prominence and primarily new landscaping would be required and relied upon for integration of the entire site. The ancillary works which would be required to facilitate the proposal, particularly the infilling, would not integrate with their surroundings.

CTY 14 – Rural Character

- 7.19. Under Policy CTY 14, planning permission will be granted for a new building in the countryside where it does not cause demonstrable change to, or further erode the rural character of the area.
- 7.20. It is considered that the proposal is contrary to this policy as the building would, if permitted be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, creates a ribbon of development and the impact of ancillary works would damage the rural character.

CTY 8 – Ribbon Development

- 7.21. As the proposal is contrary to criteria D of CTY 14 in that it creates a ribbon of development then the proposal is also contrary to Policy CTY 8 of PPS 21 which is the primary policy for assessing ribbon development. The proposal would, if

permitted, result in the creation of ribbon development along the Ballinasack Road.

CTY 16 – Development relying on non-mains sewerage

- 7.22. Foul sewage will be disposed of via septic tank. The proposal complies with CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

- 7.23. Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
 - c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The siting of the proposal is not sympathetic to the special character of the AONB and the particular locality.

8.0. Recommendation:

The application is recommended for refusal in the light of the above and for the reasons outlined below.

Refusal Reasons:

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 CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballinasack Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The proposed building is a prominent feature in the landscape;

- The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposal relies primarily on the use of new landscaping for integration; and
 - Ancillary works do not integrate with their surroundings;
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building, would, if permitted:
- Be unduly prominent in the landscape;
 - Result in a suburban style build – up of development when viewed with existing and approved buildings;
 - Create a ribbon of development, and
 - The impact of ancillary works would damage rural character.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: E.Moore. Date: 28/09/2022

Authorised Officer: P Rooney Date: 28/09/2022

LA07/2020/1651/F

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) 75m north of 18 Ballinasack Road, Mullaghbawn for Mr Gene Martin

This is an application for change of house type. It has been submitted on foot of attempts to secure the previous permission on this site through various works of construction, including foundations etc.

It has been said that the applicant did not implement his previous permission in time. However, although not alone, the applicant's previous permission was unjustly restricted to 1 year, when the NI planning portal advises it was 5 years; and a considerable number of others were given 5 years again for their change of house type application, even when there was only a few months remaining of the original approval. This Council is legally empowered to provide redress now and is entitled to attach as much weight to the history of planning approvals on this site as it sees fit. Showing the applicant a degree of clemency and giving him a final opportunity to implement his permission is a perfectly legitimate approach here, especially when the Council has a track record of giving applicants the benefit of doubt when it comes to matters involving the commencement of historic permissions.

It would not be irrational to recognise that: the applicant genuinely attempted to commence his development; because of the random and inconsistent limiting of certain permissions he was prejudiced (although not alone); and there would be no demonstrable harm in permitting the applicant to construct this dwelling now. Regardless of how widespread the prejudice was, this applicant is the one before us today seeking recourse. It is up to others to decide how they pursue their cases.

There are a considerable number of precedents that support this applicant, not least including two people who had appeals for change of house type dismissed, but whose subsequent planning applications were approved / overturned by this Council (LA07/2017/0562/F and LA07/2019/1228/F). Clemency has been shown to a litany of applicants who have either commenced development but not in accordance with their planning permission; others who had failed to comply with pre-commencement conditions, and in the case of LA07/2016/0716/F, where we represented an applicant wherein he had failed to carry out any works to commence a previous permission. In that case, *it was agreed (by this Committee) to issue an approval on planning application LA07/2016/0716/F, contrary to Officer recommendation, subject to a condition being added that the proposal must commence within one year of the approval being issued* – the applicant was given a final chance to save his permission.

The applicant, Mr Martin, made a conscious attempt to preserve his planning permission. At the time he set out to do the work, he was certain it was sufficient to preserve his permission. Although it is said that the work was carried out after the permission expired, some acknowledgement could be given to the confusion that reigned at that time – with some applicants given longer than others to commence their permissions, and with the planning portal suggesting he had a further 5 years to commence development, and with the DOE tendering advice to applicants about how to commence their development (and the new Councils later finding the DOE was issuing wrong advice because it ignored pre-commencement conditions in particular).

In summary, confusion reigned around the time the permission was granted. Property prices accelerated rapidly then crashed overnight. Many developers found themselves unable to complete developments due to financial constraints, and the applicant was no different. A widespread problem arose with many applicants seeking only to preserve their permissions. The Department of the Environment then issued numerous circulars to advise people and it has since been recognised that the core advice was flawed. Against that backdrop, substitution permissions, often lodged in an attempt to prolong the lifetime of a permission, were handled inconsistently. The majority of applicants were given only one year to commence development owing to the introduction of new and restrictive policies, but others got 5 years.

LA07/2020/1651/F

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) 75m north of 18 Ballinasack Road, Mullaghbawn for Mr Gene Martin

The planning history to this site suggests the principle of a dwelling on this site was accepted and established for a prolonged period, with lengthy commitments / effective permissions. Approving this dwelling will not result in demonstrable harm nor will it result in injury to amenity. While concerns regarding visual impact have been raised now, setting aside the previous permissions' findings regarding visual impact (i.e. there was no adverse impact) appears harsh and punitive, albeit we acknowledge the Council is not legally bound to stand over the previous approach of the Department of the Environment. It is however difficult to accept new standards given the policy has not changed and many of the same cadre of personnel transferred across to the new Councils.

If the applicant was deemed to have breached his planning permission by commencing late, then it is important to remember that breaches of planning control can be remedied through the grant of a new planning permission.

For the avoidance of doubt, showing greater weight to the applicant's combined circumstances can legally be given greater weight than the purported failure to comply with Policy CTY 1 of PPS 21. That would overcome the first refusal reason.

Ribbon development is a curious reason for refusal given that there are no other developments sharing the same frontage with this site. The site is on a very short and angular section of Ballinasack Road, with nothing to either side and no prospect of anything to either side. Officers fail to mention what development would be read in cumulation with this to create a ribbon of development and as there is actually nothing to either side of the site (and no perception of anything to either side) the application cannot be contrary to CTY 8 of PPS 21.

Officers consider the proposal contrary to CTY 14 of PPS 21 as they feel it is prominent, and because they consider that it will result in ribboning, which is a suburban-style build-up of development. As before, as there is nothing to either side of the site, there cannot be any perception of ribboning, and the proposal does not actually offend CTY 14 in that respect, since the "suburbanisation" anticipated does not actually arise in the manner described.

Officers feel CTY 13 is offended as they feel the site is prominent and lacks established boundaries and is therefore unable to provide the necessary standard of integration. This is despite the fact the proposal previously passed the integration tests of equivalent policy. We believe officers have fallen into the age old trap of standing on an elevated site with panoramic views and assuming that the reverse views must be of a house that will be prominent. The planning report contains no records or reference to a critical analysis, and there is no indication as to the locations from which it would purportedly be apparent that the dwelling would lack established boundaries or other means of achieving suitable integration. There has been no identification of the locations from which it would purportedly be apparent that the dwelling would rely upon new landscaping for integration. The site is simply not exposed to the extent the planning department states. Views inwards will be extremely long-distance; from significantly lower contours and will see the dwelling absorbed by the mountain above it. The vegetation above the site will more than ably frame the dwelling from those long-distance views below. The dwelling will not breach the sky line from any of these long-distant viewpoints, the majority of which lie on the far side of a valley.

In the event Councillors wish to visit the site, or seek design amendments, the applicant is amenable to compromise.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2021/1549/F

Date Received:

02.09.2021

Proposal:

Application under section 54 for amendment of condition 03C of planning approval LA07/2018/0244/F as follows:

Manufacturing operating hours extended from 7.00 - 23.00 hours Monday to Friday to 24 Hour production, 7 days per week

Location:

Unit 11, Milltown Industrial Estate, Warrenpoint, BT34 3FN

Site Characteristics & Area Characteristics:

The site is within the settlement limits of Warrenpoint/Burren as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). It is zoned as an Area of Existing Economic Development. There are a range of industrial and business units in the estate, of which this is the largest. There is housing to the NE of the site. A housing development (12 dwellings) has recently been granted approval under planning application LA07/2019/1748 on lands directly NE of the application site.



Site History:

- P/1976/0471 - NEW INDUSTRIAL SITE, MILLTOWN, WARRENPOINT - PROPOSED PROVISION OF ACCESS ROAD AND SERVICES TO NEW INDUSTRIAL ESTATE – Permission granted
- P/1989/0568 - MILLTOWN INDUSTRIAL ESTATE GREENAN ROAD WARRENPOINT - Erection of building to accommodate 6 industrial units – Permission granted
- P/1990/0838 - MILLTOWN INDUSTRIAL ESTATE GREENAN ROAD WARRENPOINT - Erection of industrial unit with offices – Permission granted
- P/1993/1176 - UNIT 11 MILLTOWN INDUSTRIAL ESTATE GREENAN ROAD WARRENPOINT - Erection of warehouse – Permission granted
- P/2000/0185/F - Unit 11 Milltown Industrial Estate, Warrenpoint - Enclosure of existing lorry park – Permission granted, 14.06.2000
- LA07/2018/0244/F - Unit 11, Milltown Industrial Estate, Warrenpoint, Co. Down, BT34 3FN - Change of use of part of existing warehouse to 1. Manufacturing, 2. Showroom with associated sales office. Alterations to existing building including new first floor sales office, new shop front, new goods access and new access to estate Road. Demolition of existing testing laboratory and erection of modular offices to provide admin/welfare to manufacturing use – Permission granted, 08.05.2018
- LA07/2020/0189/F - Unit 11, Milltown Industrial Estate, Warrenpoint, BT34 3FN - To amend condition No 03c of planning approval LA07/2018/0244/F which reads 'No machinery shall be operated, no process shall be carried out and no deliveries taken at, or dispatched from the site outside the following times: c) Manufacturing: 0700-2300 hours Monday to Friday' to read 'Manufacturing operating hours to be 24 hours, 7 days a week'. – Permission refused, 18.09.2020. This application was refused due to lack of sufficient information.
- LA07/2020/1708/F - Unit 11 Milltown Industrial Estate Warrenpoint BT34 3FN - Section 54 for the amendment of Condition 03C of Planning Approval LA07/2018/0244/F as follows; Manufacturing operating hours extended from 7.00-23.00 Monday to Friday to 24 Hour production, 7 days a week – Permission refused, 03.06.2021. This application was refused due to lack of sufficient information.
- LA07/2019/1748/F - Site on Upper Burren Road between No's6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road Burren Warrenpoint - Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works – Permission granted, 14.09.2022

Objections and Representations:

Neighbour notification letters were issued to 10 addresses 20th September 2021 and 5th October 2021. Following the submission of letters of objections and amended plans, notification letters were issued to 14 addresses 30th November 2021.

Advertisement: 15.09.2021

Five letters of objections were received from 5 different addresses:

- 6 Upper Burren Road
- 10a Upper Burren Road
- 12 Upper Burren Road
- 24 Milltown Street
- 26 Milltown Street

The main points outlined in the objection are as follows:

- Existing noise issues;
- Newcel are currently operating 24/7 regardless of previous planning history;
- Excessive noise of vehicles coming and going during night-time hours;
- Forklifts constantly loading lorries;
- Noise of ramps and horns from vehicles;
- Negative impact on amenity of neighbouring dwellings;

A letter was also received from Andy Stevens of Matrix Planning Consultancy prepared by Layde Consulting. This document was submitted for applications LA07/2019/1748/F and outlined points of concern regarding the material submitted alongside the application.

Layde Consulting concluded that there were significant omissions within the Noise Impact Assessment and as such, it considered that noise impact on the proposed new residential receptors associated with application LA07/2019/1748/F would be significant. In addition, it concluded that noise impact on No.18 Milltown Street would also be significant during night-time periods if permitted to operate on a 24hrs basis.

The representations received will be discussed further below.

Consultations:

Environmental Health were consulted twice during the processing of the application. Environmental Health issued a response 7th January 2022 advising the following:

"Environmental Health have considered the information provided by the agent (dated 18th November 2021) in support of this application in conjunction with the acoustic report in relation to the application. Considering the nature of the proposed development and its close proximity to residential properties there is the potential for loss of amenity at these properties due to noise." Environmental Health stipulated a number of conditions to be attached if approval was to be granted.

Upon receipt of the letter prepared by Layde Consulted and submitted by Matrix Planning, the agent was offered the opportunity to submit comments and additional information in response. Further information was received in June 2022 in the form of a letter detailing how Newcel have completed almost all of the mitigation measures they committed to and a rebuttal letter by Dr Peter Hill.

A second consultation was issued to Environmental Health to provide comment on the documents received by Matrix Planning and the agent's response. A response was received from EH in September 2022.

EH advised the following:

"Environmental Health have considered the information provided by the agent (dated 27th June 2022) in support of this application. Considering the nature of the proposed development and its close proximity to residential properties there is the potential for loss of amenity at these properties due to noise. Environmental Health would therefore require the following conditions be attached to any permission granted:

1. No delivery or unloading of shipping containers after 18.00 on weekdays and not at any time on Saturday or Sunday, where steel ramps are required.
2. No use of steel ramps for any purpose after 18.00 on weekdays and not at any time on Saturday and Sundays.
3. Forklift trucks are gassed only between the hours of 7.00 and 18.00 daily.
4. Form an internal connection between the production hall and the material store to allow transfer of raw materials and finished product from the store to the manufacturing hall and back again without forklifts leaving the building envelope.
5. No forklift truck movements to occur outside the building envelope after 18.00 daily.
6. Only fork lift trucks which are equipped with silent "blue spot" safety reversing lights to be used on the site.
7. All doors to the rear and sides of the manufacturing area are kept closed between 23.00 and 07.00 on weekdays and between 18.00 and 07.00 on Saturday and Sunday.
8. Within 3 months of permission being granted close off the "drive through" on the line of the rear wall of the manufacturing area with a suitable acoustically insulated door and walls."

Planning Policy, Guidance and Other Considerations

- The Planning Act (Northern Ireland 2011) – Section 54
- The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)
- The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015)

Consideration and Assessment

LA07/2018/0244/F was approved in May 2018 for Change of use of part of existing warehouse to 1. Manufacturing, 2. Showroom with associated sales office. Alterations to existing building including new first floor sales office, new shop front, new goods access and new access to estate Road. Demolition of existing testing laboratory and erection of modular offices to provide admin/welfare to manufacturing use.

The applicant wishes to amend condition 03c of LA07/2018/0244/F which states:

"No machinery shall be operated, no process shall be carried out and no deliveries taken at, or dispatched from the site outside the following times:

c) Manufacturing: 0700-2300 hours Monday to Friday.

Reason: To safeguard the living conditions of residents in nearby properties."

The applicant wishes to amend the condition above to 24-hour production seven days a week.

Section 54 of the 2011 Act allows for an application to be made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the "question of the conditions" subject to which planning permission should be granted (section 54(3)).

Impact on nearby residential properties

As outlined above, EH have been consulted twice for this application and within both responses have advised that given the application site's proximity to residential properties, conditions should be attached to any permission granted.

In consideration of the points outlined within the letters of objections received, it is considered that the conditions stipulated by EH address these concerns by restricting:

- The hours of delivery and unloading of shipping containers;
The hours of the use of steel ramps;
- The hours of operation of forklift trucks and restricting the movement pattern of forklift trucks;
- The hours of the opening of rear and side doors;

Environmental Health have also recommended that only fork lift trucks which are equipped with silent "blue spot" safety reversing lights to be used on the site.

Having account, the detailed comment from Environmental Health who provided expertise in this respective field, it is considered the issues raised have been fully considered, with detailed comment provided, offering no objections. On this basis, it is considered there are no grounds to sustain a refusal on this basis.

Recommendation: Approval

Conditions:

1. This permission is effective from date of issue.

Reason: Time limit.

2. This permission hereby granted relates solely to the variation of Condition No. 3c of planning permission LA07/2018/0244/F only and should be read in conjunction with that decision notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

3. There shall be no delivery or unloading of shipping containers after 18.00 or before 07:00 on weekdays and not at any time on Saturday or Sunday, where steel ramps are required.

Reason: To safeguard the living conditions of residents in nearby properties."

4. There shall be no use of steel ramps for any purpose after 18.00 or before 07:00 on weekdays and not at any time on Saturday and Sundays.

Reason: To safeguard the living conditions of residents in nearby properties.

5. The forklift trucks used at the premises shall be gassed only between the hours of 07.00 and 18.00 daily and no forklift truck movements shall occur outside the building envelope after 18.00 daily.

Reason: To safeguard the living conditions of residents in nearby properties.

6. Only fork lift trucks which are equipped with silent "blue spot" safety reversing lights shall be used on the site.

Reason: To safeguard the living conditions of residents in nearby properties."

7. An internal connection shall be formed between the production hall and the material store within 3 months from the date of this approval and shall be permanently retained thereafter.

Reason: To allow the transfer of raw materials and finished product from the store to the manufacturing hall and back again without forklifts leaving the building envelope to safeguard the living conditions of residents in nearby properties.

8. The "drive through/internal connection" on the line of the rear wall of the manufacturing area shall be closed off with a suitable acoustically insulated door and walls within 3 months from the date of this permission and permanently retained thereafter.

Reason: To safeguard the living conditions of residents in nearby properties.

9. All doors to the rear and sides of the manufacturing area shall be kept closed between 23.00 and 07.00 on weekdays and between 18.00 and 07.00 on Saturday and Sunday.

Reason: To safeguard the living conditions of residents in nearby properties.

Case Officer Signature: Eadaoin Farrell
Date: 06.10.22
Appointed Officer Signature: M Keane
Date: 10-10-22



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1869/F

Date Received: 21.10.2021

Proposal: Proposed infill dwelling

Location: The application site is located between Nos 43 and 45 Donagh Grove, Donaghaguy Road, Warrenpoint

Site Characteristics & Area Characteristics:

The site is located within the settlement limit of Warrenpoint/Burren as identified in the Banbridge, Newry and Mourne Area Plan 2015, within the development of Donagh Grove. This housing development of Donagh Grove was zoned for housing and has now been built.

The application site comprises a portion of the side and rear garden area associated with no.43, and is located between Nos 43 and 45 Donagh Grove.

The area directly in front of the existing dwelling of no.43 is paved, with a small enclosed triangular shaped garden area to the side and further garden area to the rear.



As a result of the topography the site is split level with the side garden and parking area at road level, while the rear garden is set down, with a retaining wall.



The photo above is taken from within the rear garden of the application site.

Donagh Grove is characterised as a residential area of approx. 63 semi- detached two dwellings which are on a sloped site. To the rear (southwest) is Milltown Industrial Estate and to the southeast is Warrenpoint Football Club grounds.



Site History:

No recent planning history. The housing development which the site is located was approved in the early 2000's.

Planning Policies & Material Considerations:

This planning application has been assessed against the following:

- Regional Development Strategy 2035
- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments
- The Addendum to PPS 7 – Safeguarding the Character of Established

Residential Environments

- Development Control Advice Note 15: Vehicular Access Standards
- DCAN 8 – Housing in Existing Urban Areas
- Creating Places

Consultations:

NI Water	Approved with standard conditions
DFI Roads	No objection
Environmental Health	Requested details of acoustic measures that will be put in place. Agent stated triple glazing will be used and whole house ventilation system, EH considered this acceptable. EH also requested an acoustic fence to be installed along the rear of the proposed site boundary to reduce any noise annoyance from nearby commercial premises. The acoustic fence should be close lapped leaving no gaps. EH also provided advice on contaminated land and waste.

Objections & Representations

Seven neighbour notifications were issued on 9 November 2021. The application was advertised in the local press on 10 November 2021.

No third party representations have been received to date (13-10-22).

Consideration and Assessment:

Banbridge, Newry and Mourne Area Plan 2015

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

As stated above the site is located within the settlement limit of Warrenpoint/Burren whereby the Donagh Grove development is zoned for housing and has been built out in circa the last 15-20 years.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given consideration in determining the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 7 Quality Residential Environment

Policy QD1 sets out criteria which proposals for residential development must conform to. This application has been assessed against the following relevant criteria:

Criteria (A)

The development of Donagh Grove is characterised by 2 storey semi-detached dwellings each with frontage to the road, and each with areas of parking/amenity space to the front and rear. The layout of this housing development has a continued common form, rhythm, pattern, character and appearance to it.

As stated previously the application site comprises a portion of the side and rear garden area of no.43, of what is a corner plot within this development.

The dwelling proposed will be split level appearing single storey to the front and 2 storey to the rear. It is considered the general layout of the development, including siting of the dwelling and house type proposed are entirely out of keeping with the character of this development and area.

As a result on the small size and irregular shape of the site and plot, the dwelling is set back from the building line, hemmed in to the corner, whereby the site has no frontage to the road, with only room for an entrance vehicle.

The house type proposed is also at odds with the general character and pattern of development. This small house type is indicative of how heavily constrained the site is due to its small size and the proximity to the respective boundaries and existing houses.

The general layout, plot size, appearance and house type are considered to be at odds with and out of keeping with the character of the area and existing development.

The layout also impacts on the frontage and appearance of no.43, including its layout of parking.

It is considered this site is too small and restricted to accommodate a dwelling and layout that respects the existing character of the area, and any development for an additional unit on this site constitutes over-development and is poor quality, being contrary to the provisions of QD1 of PPS7.

In summary, the proposal does not respect the surrounding context and is inappropriate to the character of the area in terms of its layout, scale, proportions, and appearance, and is an example of over-development of a restricted site.

For the reasons outlined Criteria A has not been met.

Criteria (b) There are no impacts on features of archaeological or built heritage.

Criteria (c) Given the nature of this proposal, public open space is not a requirement. The layout indicated shows provision for approx. 70sqm of private amenity space, and although the layout including site levels, and general spacing available is limited, it is considered a refusal reason could not be sustained on this issue.

Criteria (d) The provision of local neighbourhood facilities is not applicable to this application given the scale of development.

Criteria (e) Given the scale of the development, a movement pattern is not required.

Criteria (f) The scheme has an adequate level of space for parking and the manoeuvring of vehicles. DFI Roads have no objection.

Criteria (g) The development includes smooth render finish with concrete roof tiling, white Upvc doors, Upvc rainwater goods and windows. I am content these material options complement the surrounding area, however the house type is out of keeping with the character of the existing development. Criterion G is met.

Criteria (h) The design and layout of the proposed dwelling is designed in such a way to avoid overlooking, loss of privacy, overshadowing or loss of light, to the neighbouring dwellings. Criteria H is met.

Criteria (i) I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A.

Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

PPS 2 – Natural Heritage Policy NH 6

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the patterns of development of the surrounding area in terms of layout, size and scale which is not sympathetic to the character of the Mourne AONB.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, proportions and general appearance.
2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that the proposal does not create a quality development, constitutes over-development of a restricted site, and would result in unacceptable damage to the character and quality of this residential area.
3. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate layout, scale and size for the locality and is out of keeping with pattern of development and the special character of the Mourne AONB.

Case Officer Signature: Clare McCoy
Date: 13 October 2022
Authorised Officer Signature: M Keane
Date: 13-10-22

Cole Partnership
Architecture and Project Management
 12A Duke Street Warrenpoint
 Co.Down BT34 3JY

222

Proposed infill dwelling between Nos 43 and 45 Donagh Grove Warrenpoint. Ref: LA07/2021/1869/F

This is a planning application for a dwelling located between 43 and 45 Donagh Grove Warrenpoint. The applicant is the owner of No.43, Mrs Mc Guigan, who currently lives in Belfast part of the week and Warrenpoint the rest of the week. Mrs Mc Guigan lives on her own, her children have moved out and her husband has passed away. The applicant is now in the process of selling her dwelling in Belfast with the intention of living in Warrenpoint permanently, as she is originally from the area and wants to be closer to family.

The application was determined under PPS 7 QD1 where there are a number of criteria of which have to be met, the planning department are of the opinion that this proposal meets 8 out of the 9 criteria required, PPS 7 LC1 criteria B and NH6 of PPS 2 in that it is not appropriate for character of an ANOB.

The only criteria of PPS 7 QD1 that the planning department feel is not met is criteria A. In relation to criteria A, the department feel that the proposal does not match the scale, portions and general appearance of the area. The case officers report states that 'Donagh Grove is characterised by 2 storey semi detached dwellings' The makeup of Donagh Grove area is a mixture of dwelling types. There are 3 detached two storey dwellings and 2 storey and a half-detached dwellings located at the entrance to Donagh Grove. Within the development there are 22 two storey semidetached dwellings and 21 three storey split-level semi-detached dwellings and one detached two storey dwelling. This shows that there is a different scale and variety of dwellings in the area, the proposal would not be out of place. Para 4.3 of PPS 7 states '*quality design entails variety and contrast within developments*' this document goes further to state that developments should '*entail a greater diversity of dwelling form and type to help produce a lively street scene*'

The proposal is for a two storey split level dwelling adjacent to No.43 Donagh Grove, the finishes proposed to the dwelling are in keeping with existing finishes within the area. The proposed house type has been designed to provide private amenity space in excess of what it is required as set out in creating places document, adequate parking and turning has been provided within the site, the proposal will not cause overlooking, loss of privacy, overshadowing or loss of light to neighbouring properties. The layout of the dwelling within the site will not give rise to crime or anti social behaviour all of which the planning department agree on. The proposed dwelling will provide variety, contrast and increase the diversity of dwelling form and type within the area which meets statements set out in Para 4.3 of PPS 7.

The department feel that the proposal would constitute over development of a restricted site which would result in unacceptable damage to the area. The case officers report states this small house type is indicative of how heavily constrained the site is and that the site is too small and restricted to accommodate a dwelling that respects the character of the area.

The floor area of the proposed dwelling is 1786 sqft, which is not small. The proposed house type has a larger floor area than the existing 22 two storey dwellings within the area by approximately 33%

The typical site area in the Donagh Grove area is 224m², Mrs Mc Guigans current site area is 627m², almost 3 times the site area of all the other dwellings in the area. The proposed site area of the proposal will be 340m² and the proposed site area of the existing dwelling at No.43 Donagh Grove will be 271m². Both of these sites will still be above the typical area of sites within the Donagh Grove area.

The separation distance between the proposal and existing dwelling is 10m this is greater than the separation distance between existing dwellings in the area. Roads service have no objection to the entrance to the proposal and the level of parking and manoeuvring of vehicles. The parking for the existing dwelling is repositioned to the side of exiting dwelling in keeping with the majority of dwellings in the area. The private amenity space provided to the proposal is in excess of what is required by creating documents, as is the private amenity space left to the existing dwelling. If the proposal meets all these criteria, and is above average for site area etc. We fail to see how the proposed dwelling and site can be deemed as small and restricted.

In regard to policy LC1 of PPS7 criteria B the proposal will not damage the local character, environmental quality or residential amenity of the existing area, as previously stated there are a varied number of house types in the area and the proposal will as per PPS 7 para 4.3 add a greater diversity of form and type to the area. The proposal will not have any effect in loss of privacy, overshadowing or loss of light on neighbouring properties. The proposal will not erode the character of the area it will only add to the character of the area.

The proposal is located within the development of Donagh Grove. As previously stated, there are a number of different house types within the established residential area with varying form, scale, and proportions, ranging from detached storey and a half dwelling, detached two storey, semidetached two storey dwellings to semidetached 3 storey dwellings. The proposed dwelling will fit in with the varied character of the residential area and will provide '*a greater diversity of dwelling form and type to help produce a lively street scene*'.

The proposal is similar to existing densities and layouts, the plot size is slightly greater than the average plot size for the Donagh Grove, private amenity is greater than required by policy, separation distance between proposal and existing adjacent dwellings is greater than the separation between existing dwellings in Donagh Grove. The scale, height and massing of proposal blends in with the varied design of dwellings in the residential area. The architectural styles and materials match the existing dwellings in the area, there are no impacts on neighbouring properties or street scene. The dwelling is positioned within an area of a number of dwellings of varying styles within the development limit of Warrenpoint located beside an industrial estate and Warrenpoint Town FC and will not have any detrimental impact on the character of the Mournes ANOB.

The existing site at No.43 Donagh Grove has amenity area of 501m². Mrs Mc Guigan will be living at No.43 on her own as mentioned her children are no longer living at home and she is widowed. The typical amenity area in Donagh Grove is 128m². Mrs Mc Guigans amenity area is almost four times the typical amenity area for the development. The applicant has no requirement for this space, it is not sustainable for her to maintain the area and not practicable for her as the years go on.

There are a number of developments throughout the Warrenpoint area that have a varied type of house form with s two storey dwellings mixed with storey and a half dwellings or single storey dwellings examples include Spring Meadows on the Burren Road, Drumsesk Place on the Spring Field Road, Rathmore on the Clonallon Road, Ganna Way on the Bridal Lonan. All these developments have a varied mixture of dwelling form, scale, and footprint.

The proposed dwelling will add to the character of the area and add greater diversity of dwelling form and type. The proposed site is larger than sites in the area, the proposed dwelling is larger than dwellings in the area, the amenity space provided to both the existing dwelling and proposed dwelling is above the requirement set out in creating places. Parking and turning for both dwellings have been accepted by road service. The proposal has no detrimental effect on the amenity of surrounding dwellings. From the information provided we will that there is justification for the proposed dwelling adjacent to No.43 Donagh Grove.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1935/F

Date Received: 01.11.2021

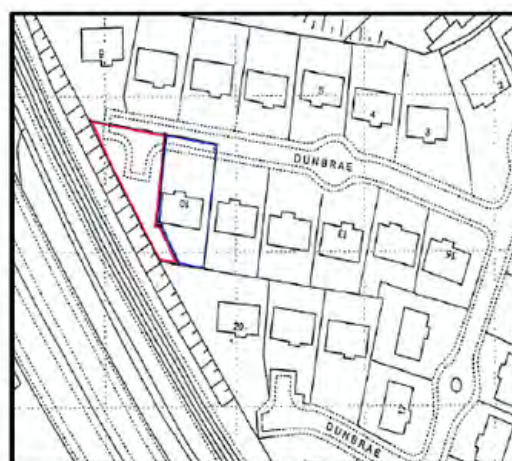
Proposal: Construction of a storey-and-a-half detached dwelling within the curtilage of the side garden of 10 Dunbrae

Location: 10 Dunbrae, Chancellors Road, Newry BT35 8HG

Site Characteristics & Area Characteristics:

The application site, outlined in red on the site location plan, is an area of land to the west of number 10 Dunbrae, Newry. The site includes both garden space (side and rear) relating to number 10 and also part of the turning head and footpath. The site boundary to the south and west are defined by mature hedging. The site backs onto the railway tracks and A1 route.

The site is within the settlement limit (NY01) as defined by Banbridge/ Newry and Mourne Area Plan 2015. It also lies within an Area of Outstanding Natural Beauty (AONB)



Date of Site Visit: 25/01/2022

Overview of site:



Current boundary treatment for number 10's rear garden:



Number 10's private amenity space:



Site History:P/2007/0719/F

- Adjacent to number 10 Dunbrae, Chancellors Road, Newry
- Erection of dwelling with alterations to Roads
- Permission Refused P/2007/0719/F
- 2008/A0206 – Appeal Withdrawn

1. ***The proposed development is contrary to Policy QD1 (part a, c, f, g and h) of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance in that it would, if permitted, result in an unacceptable damage to the local character and residential amenity of an established residential area through over-development and inappropriate siting, scale and design. The proposed development would result in inadequate usable amenity space for existing and prospective residents.***

Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 7 - Quality Residential Environments

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Planning Policy Statement 3 – Access, Movement and Parking

Consultations:DfI Roads –

No objections in principle to this proposal

Northern Ireland Transport Holding Co –

No objections, subject to conditions

NI Water –

Original response, date received 25/11/2021:

For the reasons detailed below NI Water recommend that this application for planning approval should be Refused. There is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water plans to upgrade the sewerage system in this Drainage

Area. While this remains subject to prioritisation and the availability of funding, NI Water is recommending connections to the system are curtailed.

NI Water response, following review of correspondence from agent, date received 23/08/2022:

The agent has been advised that although the proposed dwelling may have reduced in size, the proposal is still for a new dwelling and the discharge from any new property is an increase on existing discharge to the public sewer network.

Due to capacity constraints within the catchment a Wastewater Impact Assessment is required to find a solution which can be implemented. Although the flow from one additional house may seem insignificant the Combined Storm Overflows within the drainage area are already operating too frequently. Any additional flows will add to this problem and any solution must ensure a zero-detriment approach thus ensuring the current situation is not worsened. These measures are to protect both the environment and existing customers.

The Planning Department has issued decisions, in the past, with strict negative planning conditions requiring all applicants to reach agreement with NI Water on the means of sewage disposal prior to commencement of development. NI Water has formally questioned this approach, with the Planning Department, and this matter remains under consideration.

Objections and Representations:

Neighbours were notified of this proposal 15.11.2021. It was advertised in local press on 17.11.2021.

Two representations have been submitted. They are summarised as follows:

Objection from owner / occupier Number 9 Dunbrae who raises the following issues of concern

- *Visitors to the estate use the existing turning head to park their cars.*
- *If the dwelling is allowed it could have an adverse impact on sale times and sale price of our house*
- *The proposed dwelling and site is much smaller than the existing properties in Dunbrae and is not in keeping*

Misc. comments from owner / occupier Number 8 Dunbrae who has provided a comparison between the existing layout and character of Dunbrae with that of the proposal as detailed below

- *Characteristics of existing neighbourhood: ample car parking and in curtilage manoeuvring; front wall of existing dwelling to footpath approx. 10m; rear wall of existing dwelling to rear boundary approx. 10m perpendicular; rear garden areas approx. 250 sq.m.; gable to gable separation approx. 5m; site areas 750 sq.m; dwelling footprint rectangular in shape and approx. 15m x 10m.*
- *Characteristics of proposed dwelling: parking is drive-in and reverse out onto existing turning head; front of dwelling to footpath 0.5m; rear of dwelling to rear boundary approx. 5m perpendicular; rear garden area*

approx. 60/70 sq. m.; gable to gable separation approx. 2/2.5m; site area approx. 250/300 sq.m.; dwelling footprint triangular in shape.

In assessment of the above any matters relating to potential sale times/ sale prices are not a material consideration for the Planning Department. All other points will be assessed in the sections of this report under the relevant policies.

Please also note that some of the measurements etc referred to in the second representation noted above may now not be accurate, as the Planning Department has received a number of amendments for this proposal since this objection was forwarded.

Consideration and Assessment

The proposal

This application seeks planning permission for the construction of a storey and a half, chalet-style detached dwelling within the curtilage of the side garden of 10 Dunbrae.

Parking for two vehicles is proposed to be accessed off the existing turning head located within this housing development.

The Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

The SPPS was introduced in 2015 and provides a statement of policy on important planning matters that should be addressed across Northern Ireland. A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Any conflict between the SPPS and any policy retained under the transitional arrangement must be resolved in favour of the provisions of the SPPS.

With regard to Housing in Settlements the SPPS offers clarity on issues such as good design, impact on residential amenities and the need to provide adequate amenity space, all relevant to this application. Paragraph 6.137 of the SPPS identifies the need to deliver increased housing without town cramming and promotes the importance of new housing respecting local character (my emphasis). Paragraph 4.27 states that Planning Authorities will reject poor design, particularly proposals that inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings.

Planning Policy Statement 7 – Quality Residential Environments

Decisions regarding planning applications in 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 in the policy QD 1 – Quality in New Residential Development:

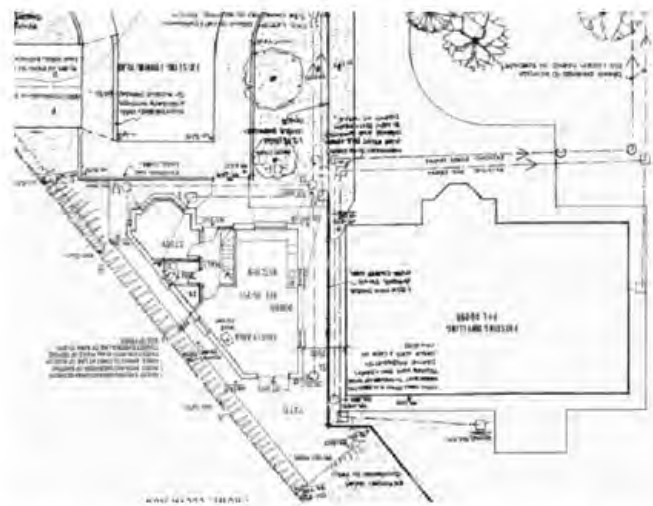
- a) *The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces areas;*

Dunbrae housing development is characterised by chalet-style dwellings, of which some have small extensions located to the rear. These dwellings have front projections, bay windows and dormer windows to the front elevations. The plot sizes within this housing development are similar in size and which are uniformly rectangular in shape – see pattern of development below with regards plot shaping.



The application site is formed by the sub-division of a planned side garden to Number 10 Dunbrae, immediately adjacent to a turning head. The side garden is bounded by a low-lying wall which separates the turning head from the site (site photos above). The proposal outlines this side and rear garden as the application site.

The Planning Department considers that the site, due to its size and configuration, would not be suitable to accommodate the proposed dwelling. As a result, the proposed dwelling and layout, if constructed, would appear out of character within the area in terms of scale, proportions and massing. It would result in inappropriate overdevelopment of the site. Para 4.8 of PPS 7 states *'the Department considers that analysis of context is particularly important for infill housing, backland development or redevelopment schemes in established residential areas. Whilst such development can usefully contribute to housing supply, great care will be needed to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through **inappropriate design or overdevelopment**'* (my emphasis added).



The site plan above outlines the proposed positioning of the new dwelling.

The Planning Department carried out a detailed assessment of the proposal which included a site visit. It is considered that the proposal is out of keeping with the immediate context in terms of site size and configuration.

In addition, the plan below provides an assessment, for context, of the plot sizes of the site and those immediately adjacent at Nos 11, 12 and 13 Dunbrae. Substantial plots are noted with No 10 displaying the largest, given its garden area to the side



If the proposal were to be permitted, as proposed, the resultant plot sizes would be as shown below. The proposed would be significantly smaller than that found at neighbouring plots and consequently would appear out of character with that immediately adjacent.



It is considered that the development of this side garden with an independent new dwelling will result in overdevelopment and cramming of the site. The proposal appears incongruous in the local development and does not respect the character of the local area, and therefore fails to comply with criterion (a).

- b) *Features of 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;*

There are no features in the immediate vicinity which require protection or integration.

- 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 image above shows the existing rear private amenity space enjoyed by the neighbouring properties of the site. Planning policy requires that adequate private amenity open space is provided as part of development. While the level of the proposed open space provision is in keeping with the guidance document 'Creating Places', the assessment must go beyond the size of the proposed open space. Private amenity space must also be usable and practical to ensure adequate open space. The proposal involves the subdivision of the existing rear garden to Number 10 Dunbrae. It is considered that this is inappropriate and would detract from the existing private residential amenity of Number 10. The amenity space, proposed to serve the additional dwelling, is also considered inappropriate due to its size and configuration.

The proposal will, however reduce the rear private amenity space of number 10 to approx. 184m², with the proposed private amenity space of the new detached dwelling noted to be approx. 58m². This provision is considerably lower than that within the immediate vicinity and while it may be adequate for the 2-bedroom dwelling proposed, it only serves to highlight further that the proposed development is not in keeping with the character of the area.

The proposal is considered not to comply 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, location and scale of the proposal, there is no requirement for the applicant to provide local neighbourhood facilities.

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

Given the nature, location and scale of the proposal, there is no requirement for the applicant to provide a movement pattern.

- f) *Adequate and appropriate provision is made for parking;*

Parking arrangements are proposed to be accessed to the west of the site, located off the existing turning head. DfI Roads has raised no objections to the proposal and these arrangements. DfI Roads notes that whilst this access arrangement is not ideal, given the site's location at the end of the cul-de-sac, the impact on road users is minimal.

Therefore, the Planning Department could not sustain a refusal reason on the grounds of parking provision.

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

The materials proposed for the dwelling include selected red clay facing brick to match the adjacent dwellings in Dunbrae. The window detailing is also proposed to match the adjacent dwellings in Dunbrae.

As outlined above, the scale and density of the proposed dwelling is not considered to respect the form and local character of Dunbrae housing development. Its contrived design with angled gable highlights further the inappropriate nature of that proposed.

The proposal therefore fails to comply 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;*

No 10 has two gable windows overlooking the site at both ground and first floor as shown in the photos above. The proposed dwelling will have two ground floor gable windows, to serve the kitchen and dining/family area. Given the proximity of the two, this will result in overlooking and unduly impact on the privacy of both the existing and proposed properties.

Further to this the proposed separation distance of 2.5m from the existing dwelling to the proposed would also result in the residents of both No 10 and the proposed dwelling, if approved, experiencing a feeling of being 'hemmed in' given their proximity.

The proposal therefore fails to comply with criterion h).

- i) *The development is designed to deter crime and promote personal safety;*
The proposal complies with this criterion.

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

Planning Control Principle 1 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."*

Annex E of the Addendum defines established residential areas as normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens.

The Planning Authority consider that Dunbrae is located within an Established Residential Area (ERA).

Policy LC1 of Addendum to PPS 7 states that it is an amplification of Policy QD1, seeking to strengthen existing policy criteria in PPS 7 to ensure that the quality of these ERAs is maintained, if not enhanced. 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;*
The application site is the side garden of No.10 Dunbrae. It is considered that the proposed density is higher than that found in the established residential area, however, given that the proposal is for one dwelling, it is not considered this is significantly higher.
The proposal complies with criterion (a).
- b) *the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
The proposed erection of a new dwelling within the side garden of number 10 Dunbrae would appear out of character with the area in terms of scale, proportions and massing. It is considered that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area. The proposal fails to comply with criterion (b).
- c) *all dwelling units and apartments are built to a size not less than those set out in Annex A.*
The proposed dwelling is to be built to a size not less than those set out in Annex A of Policy LC 1.

This proposal fails to meet all of the criteria in Policy LC1.

Planning Policy Statement 2 – Natural Heritage.

NH 6 – Areas of Outstanding Natural Beauty

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

- a) *The siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and*
For the reasons outlined above within this report, it is not considered that the siting and scale of the proposal is sympathetic to the special character of the AONB and the particular locality within Dunbrae housing development.
- 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*
The proposal is not considered to respect and conserve features of importance to the character and appearance of the local landscape.
- c) *The proposal respects:*
 - *Local architectural styles and patterns*
 - *Traditional boundary details, by retaining features such as hedges, walls, trees and gates;*
 - *Local materials, design and colour.*

The proposed dwelling is chalet-style in design and is considered to respect local architectural styles and patterns.

The proposal is not considered to respect traditional boundary details. It involves the creation of a new 1.85m double boarded fence which will sub-divide the existing amenity space of number 10 Dunbrae.

The proposal is considered contrary to criteria a), b) and c) of NH6.

Correspondence with the agent:

An office meeting took place between the applicant, the nominated agent and the Planning Department (11th October 2022). At the meeting, the Planning Department outlined the main issues of concern i.e., overdevelopment of the site and detrimental impact to the character of the area, given the confined nature of the site.

The Planning Department noted that these concerns had been raised on numerous previous occasions, including in an email sent to the nominated agent, 23rd June 2022, whereby it was noted that *'the development is not considered to respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions and massing (a). The proposal represents overdevelopment of the application site'*.

The agent outlined that he believed the proposal did comply with policy, in that the dwelling has been designed to be in keeping with that adjacent, it complies with the space requirements for private amenity space and has satisfied the requirements made by DfI Roads and Translink.

The agent outlined two examples whereby planning permission has been granted by the Planning Department. The agent outlined in his response, that these two planning approvals, demonstrated that planning precedent at the end of developments at hammerheads, has been established.

The Planning Department note that application LA07/2021/0395/F, *Adjacent to no. 17 Oakland Grove Upper Dromore Road Warrenpoint BT34 3SQ, proposed one bedroom detached dwelling and alterations to access to no. 17 Oakland Grove, Warrenpoint*, was recommended for refusal and was subsequently overturned.

P/2010/0708/RM - *Erection of detached dwelling and garage, Rear garden to no.19 'Brannock Heights', Glen Hill, Newry*, was granted approval by the previous planning authority.

Notwithstanding the outcomes of the above two planning applications, the Planning Department cannot draw direct comparisons between any two applications. Each application must be assessed on its own merits and a specific response to the site in question has been provided in the report above.

Summary:

The proposal does not comply with the SPPS, Policy QD1 of PPS 7, LC1 of the Addendum to PPS 7 and NH 6 of PPS 2 and is therefore considered unacceptable in this urban context.

The proposed development will result in overdevelopment and cramming of the side garden of No. 10 Dunbrae.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Strategy for Northern Ireland and to Planning Policy Statement 7: Quality Residential Environments in that it is contrary to Policy QD 1 in that: (a) the proposed dwelling is not considered to be appropriate to the character of the site;(c) Adequate provision has not been made for public and private open space; (g) the scale and density of the development does not respect local traditions of form; and (h) the design and layout will create conflict with adjacent land uses and there is unacceptable adverse effect on existing properties.
2. The proposal is contrary to the Strategic Planning Policy Strategy for Northern Ireland and to Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas in that it is contrary to Policy LC 1 in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality, the proposal does not respect and conserve features of importance to the character and appearance of the local landscape and the proposal does not respect traditional boundary details.

Informatives:

This refusal notes related to Drawing Nos: 1 REV D and 2 REV A.

Case Officer: E.Moore 28/10/2022

Authorised Officer: C Cooney 31st October 2022

Planning Application Reference: LA07/2021/1935/F.

The planning application has been determined under Policy QD1 of PPS7, Policy LC1 of Addendum to PPS7 and Planning Control Principle 2 of PPS12, where there are a number of criteria of which the Planning Department feel have not been met:

- A. In relation to Criterion A, the case officer states that the proposal does not meet the criteria in terms of "the proposed dwelling is not considered to be appropriate the character of the site". The proposal is for a two-bedroomed dwelling, Creating Places states in "1 and 2 bedroom houses on small urban infill sites private communal open space will be acceptable... these should range from 10 sqm to 30 sqm per unit". The private amenity space that is being provided to the proposed dwelling is 88sqm. If the proposal already exceeds the requirements as set out in creating places document for a two-bedroomed dwelling, how can the proposal be deemed as not including the provision of adequate and suitable levels of private amenity space. There is more than adequate space between the development proposal and the adjoining properties, as this will allow for access to the rear amenity of the proposal with the design of the proposed dwelling taking reference from the adjoining properties within the Dunbrae development. (Please refer to Aerial Image in Appendix 1-No.3)
- B. Criterion C relates to open space. The Planning Report indicates that "Adequate provision has not been made for public and private open space". The case officer states that "the amenity space is considered inappropriate due to its size and location". Creating Places states "garden sizes larger than 70m² will generally suit dwellings designed for families". This proposal is for a two bedroomed dwelling house and has been designed for residential use for either retiring persons or people seeking to downsize, thus the private rear amenity space exceeds the limit required. In terms of the private amenity spaces usability the proposed dwelling will be suitable for two-three people and creates a significant amount of space for any resident to use within. Therefore, it is considered there is an abundance of private outdoor space for both the proposed and adjoining properties.
- C. In relation to Criterion G, the Case Officer states that "the scale and density of the development does not respect local traditions of form". It is our consideration the proposed scale and massing of the proposed dwelling does respects the existing development of Dunbrae as depicted by the CGI images within **Appendix 1 No.1 & No.2**. The development proposal fully aims to provide a dwelling house, which is in keeping with the form, materials and detailing of the other adjoining properties within the streetscape and also local area.

Planning Application Reference: LA07/2021/1935/F.

- D. In relation to Criterion H, any senses of overlooking issues were dealt with and had been accepted to ensure that the proposal meets the requirements of the policy and that there are no unacceptable adverse effects on existing properties. The adjoining property at No. 10 Dunbrae has been occupied by the applicant and his family for a significant number of years, with the aim of the development proposal is to create a dwelling in which his immediate family may be able to remain close to the family home.

Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity

- E. As stated in the planning officers report, "the Dunbrae housing development is characterised by chalet-style dwellings ... These dwellings have front projections, bay windows and dormer windows to the front elevations". While the proposed dwellings internal layout is different to the adjoining properties, the attached CGI images clearly depict that the proposed dwelling is in fact in keeping with the overall character and environmental quality of the established residential area.

Planning Control Principle 2 of PPS12 Housing in Settlements

As previously stated, the design of the proposal takes consideration of the local surroundings and is largely designed to be in keeping with adjoining properties within the Dunbrae housing development. Parking provision and turning space for two cars is provided for at the front of the proposal, and it is concluded that there is ample rear private amenity space for a two-bedroom dwelling in this area. Ample space is provided to the proposed dwelling and the adjoining property at No. 10 Dunbrae and particular care has been taken to ensure that the proposed development is in keeping with the local character of the area and respects local styles, materials, patterns and boundary details.

We therefore respectfully request that the planning committee reconsider and overturn the case officer's recommendation as the proposal fully conforms to Policy PPS7, QD1, Addendum LC1 and Policy NH6 of PPS2, as it is shown that the proposal complies with all planning policies.

Perhaps, for a better understanding of this application site and to validate my points why this application site should be reconsidered, a site visit by the elected representative's may be more appropriate to consider the spatial relationship between existing and proposed buildings.

Planning Application Reference: LA07/2021/1935/F.

APPENDIX 1. (Image 1)



1. View Looking West at Proposed Site.



View Looking West at Proposed Site with Proposed Dwelling House Inserted.

Planning Application Reference: LA07/2021/1935/F.

APPENDIX 1. (Image 2)



2. View Looking North West along Street at Proposed Site.



View Looking West at Proposed Site with Proposed Dwelling House Inserted.

Planning Application Reference: LA07/2021/1935/F.

APPENDIX 1. (Image 3)



3. Aerial View Looking South West along existing Boundaries.



Aerial View Looking South West along existing Boundaries with Dwelling House Inserted.

Construction of a Storey and -a-half Detached Dwelling within the curtilage of the side garden of No.10 Drumbrae, Chancellors Road, Newry, BT358HG – Mr. Michael Savage.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2022/0210/F

Date Received:

02.02.2022

Proposal:

Retention of existing outdoor customer seating area

Location:

Ground Floor Unit
12 Seaview
Warrenpoint
BT34 3NJ

Site Characteristics & Area Characteristics:

The application site is within the settlement limits of Warrenpoint and Warrenpoint Town Centre as designated within the Banbridge, Newry and Mourne Area Plan (2015). The site is also within an Area of Outstanding Natural Beauty and an Area of Townscape Character.

The application site consists of a three storey mid-terrace building which has been converted from offices to a café at the ground floor. Apartments are located on each floor, above the café.

The site is located adjacent a building that was previously known as The Balmoral Hotel but which has more recently been converted to several different uses, including a guest house, retail on the ground floor and a restaurant on the first floor. On the opposite side are similar dwellings, some of which appear to have been converted to apartments. On the opposite side of the Balmoral Hotel the area becomes residential with large three storey terraced dwellings of a similar form to the application site. The

application building is in close proximity to the main commercial centre of Warrenpoint and Warrenpoint Town Park.

The building is currently subject to a live enforcement case - LA07/2022/0095/CA.

Planning Policies & Material

Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 4: Planning and Economic Development
- PPS 6 - Planning Archaeology and the Built Heritage
- PPS 6 Addendum – Areas of Townscape Character
- DCAN 4 – Restaurants, Cafes and fast food outlets

Site History:

- P/1976/0337 – Proposed renovation of existing dwelling – Permission granted
- P/2014/0957/F - Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC – Permission granted
- LA07/2019/1258/F - Retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services – Permission granted
- LA07/2022/0226/F – This is a category 11 section 54 application. Previous approval for retention of change of use to ground floor cafe unit & 2 no treatment rooms and ancillary services, condition 03 restricted opening hours to Mon-Sat 10.00 to 18.00. This application seeks variation to opening hours to provide opportunity for ticketed events and private catering (see attached sheet for times) 12 Seaview, Warrenpoint,

Proposed opening times:

Monday to Saturday open to general public 9am to 6pm,

Monday to Saturday open for ticketed events 6pm to 10pm

Sunday open to general public Midday to 4pm,

Open for private guest breakfasts 9am to 11am,

Open for ticketed events 4pm-9pm.

There are two holiday apartments on the floors above the cafe. The cafe owner would like to open on a Sunday morning to serve breakfasts to the guests staying in the holiday apartments - the cafe would not be open to the general public on Sunday morning – Under consideration

- LA07/2022/0095/CA - Alleged development not in accordance with approval – Live

- LA07/2021/0303/CA - Alleged breach of condition of planning approval LA07/2019/1258/F – Enforcement case closed
- LA07/2019/0201/CA - Alleged unauthorised change of use to cafe and holistic retailing – Enforcement case closed

Consultations:

Environmental Health were consulted a number of times on the proposal. The responses are as follows below:

- 25.03.22 - Environmental Health have no objection to this proposed development, subject to the following:
Noise:
 - 1) Use of outdoor space should be limited to current planning conditions, namely:
Monday to Saturday :10.00am – 6:00pm
 - 2) As there are a number of residential properties in close proximity to this development, amplified sound should not be permitted in the outdoor area.
- 27.04.22 - a second response was received from EH following the submission of letters of objections.
Comments
 Environmental Health have no objection to this proposed development, subject to the following:
Noise:
 - 1) Use of outdoor space should be limited to current planning conditions, namely:
Monday to Saturday :10.00am – 6:00pm
 - 2) As there are a number of residential properties in close proximity to this development, amplified sound should not be permitted in the outdoor area.

Objections & Representations:

Two neighbours were notified 11.03.22. A further 3 neighbours were notified 07.09.2022. The application was advertised in the local press 23.02.2022 and re-advertised 29.06.2022.

Following the submission of amended plans (showing the table layout and use of rear gate), neighbour notification letters were re-issued 13.10.2022.

28 letters of objections from 24 different addresses were received.

The letters of objections have been summarised below.

- Existing breaches of previous planning approval regarding opening hours;
- Existing operation of outdoor area;
- Erection of new signage on premise;
- Proposed extended opening hours will result in a 3x fold potential increase in capacity and customers which would lead to problems for residents;

- Back seating area is already in use using existing domestic laneways for access which is unsuitable and unsafe for customer use;
- Noise nuisance, intrusive and adverse impact on residential amenity for existing neighbouring residents;
- Proposal contrary to SPPS and DCAN 4;
- Amenity and character of surrounding area will be negatively affected by increased traffic;
- Limited parking available;

Further phone call and email correspondence was received from a neighbouring resident who advised of advertisements that promote proposed pop-up events and intention to acquire an alcohol licence. The resident also requested a re-consultation with Environmental Health in light of the advertisements and establishment's future intentions.

Note: A letter of objection was received by Matrix Planning Consultancy advising that a more detailed letter will be submitted. A second holding letter was received from Matrix Planning Consultancy 20th September advising that a more detailed objection would be submitted in due course. A response email was sent to Matrix Planning to advise that applications cannot be held pending the submission of further representations. As per the Planning Act 2011, a statutory 2-week period is provided. However, the Department accept representations up until a recommendation is made. To date, 28.10.22, nothing further has been received from Matrix Planning Consultancy.

One further letter of objection was withdrawn and therefore the contents of this objection will not be considered.

2 letters of support were received.

Consideration and Assessment

Planning Act (Northern Ireland) 2011

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the development limits of Warrenpoint and within Warrenpoint Town Centre as designated within the relevant Area Plan.

SPPS

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. In practice this means that development that accords with an up-to-date

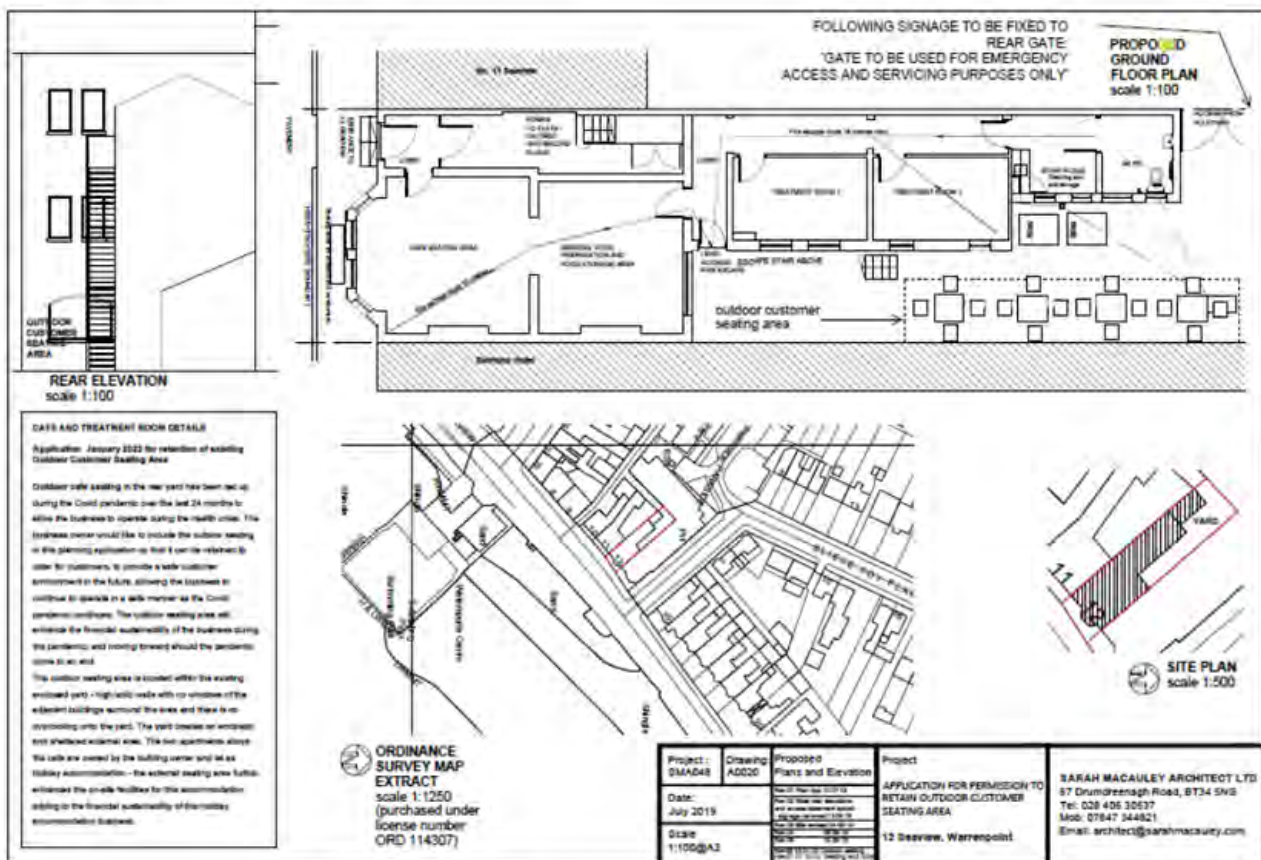
development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. The SPPS at paragraph 6.91 states all applications for economic development must be assessed against normal planning criteria relating to such considerations such as access arrangements, design, environmental and amenity impacts.

There is little change in the SPPS from that of the policies within PPS 4 and it is arguably less prescriptive, therefore PPS 4: Planning and Economic Development will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

PPS 4: Planning and Economic Development

This application is for the retention of an outdoor customer seating area in association with an existing café at ground floor. There are no specific policy provisions within BNMAP for this site and as there is no significant change to the policy requirements for the Expansion of an Established Economic Development Use within Settlements following the publication of the SPPS, the retained policy PPS4 'Planning and Economic Development' will be given substantial weight in determining this proposal, in accordance with paragraph 1.12 of the SPPS.

The proposed drawing is shown below.



Policy PED 1 of PPS 4 provides guidance for economic development in settlements. The policy advises that proposals to extend an existing economic development use or premises within settlements will be determined on its individual merits having

regard to Policy PED 9. As mentioned above, the seating area is in association with an existing café. A café is considered sui generis which essentially is a term used for premises that do not fall within a defined use class. The use of the premises was previously approved for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises under planning approval LA07/2019/1258/F.

Policy PED 9 advises that provides criteria for economic development.

- a) it is compatible with surrounding land uses;

The outdoor seating area is the rear yard of the application building which is currently being used as a café on ground floor and two apartments on the first and second floor. As mentioned above, the subject site is located within Warrenpoint Town centre boundary (TC 98). Para 4.1 of DCAN 4 states that retailing will generally be directed to existing settlements of appropriate size and Para 4.2 goes on to advise that preferable locations for restaurants, cafés and fast food outlets include town centres. Town centre uses include retail, offices, residential and various sui generis uses such as cafes within this proposal. The surrounding land uses include residential, retail, restaurants, hotels and guest houses. Given the fact that the proposal is for an outdoor seating area to serve an existing café located within Warrenpoint Town Centre, I am satisfied that the proposal is compatible with surrounding land uses. Moreover, Para 4.5 of DCAN 4 advises that restaurants, cafés and fast food outlets complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors, and they also support tourism.

- b) it does not harm the amenities of nearby residents;

Para 5.1 of DCAN 4 states that "the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. In assessing this impact, a number of factors need to be taken into account i.e.

- noise disturbance;
- smells and fumes;
- refuse and litter;
- traffic considerations and car parking; and
- provision for people with disabilities."

Para 5.2 of DCAN 4 goes on to state that "the use of planning conditions is often paramount to the control of restaurants, cafés and fast food outlets, particularly in relation to the above considerations. The impact of many proposals which would otherwise be rejected, may be mitigated by the imposition of such conditions. Preventative measures can be taken through the development control process by for example restricting opening hours and dealing with the technical aspects of noise and fume attenuation. The Environmental Health Department of the relevant local council will be consulted as appropriate during the processing of planning applications and in the formulation of any conditions considered necessary for the approval of the development."

As outlined above, several letters of objections were received from neighbouring residents. A summary of the concerns are noted again below with the Department's response in bold.

- *Existing breaches of previous planning approval regarding opening hours;*
There is a live enforcement case LA07/2022/0095/CA which is currently investigating possible breaches of approval and the use of the rear yard area for customers. Subsequently, an application has been submitted and is under consideration for the variation of opening hours.
- Existing operation of outdoor area;
There is a live enforcement case LA07/2022/0095/CA which is currently investigating possible breaches of approval and the use of the rear yard area for customers. The application under consideration is for retrospective permission for the outdoor seating area.
- *Erection of new signage on premise;*
The erection of new signage on premises requires advertisement consent. This concern will be raised with Enforcement.
- *Proposed extended opening hours will result in a 3x fold potential increase in capacity and customers which would lead to problems for residents;*
The proposed extended opening hours are under consideration under LA07/2022/0226/F. The site layout drawing submitted as part of this application shows the layout of tables providing seating for an additional 16 customers. This is considered an acceptable level of seating provision given the size of the rear yard and the Town Centre location. The capacity of the outdoor seating area can be controlled by way of condition if approval was to be granted.
- *Back seating area is already in use using existing domestic laneways for access which is unsuitable and unsafe for customer use;*
Following internal discussions, a note has been included on the drawing to advise that the rear laneway and gated access will be used for emergency access and servicing purposes only. A recent site visit determined that access to the outdoor seating area can be gained through the existing premises. The use of the gated access via the rear laneway can be controlled by way of condition if approval were to be granted.
- *Noise nuisance, intrusive and adverse impact on residential amenity for existing neighbouring residents;*
Environmental Health have been consulted on the proposal and have returned a response offering no objections subject to conditions restricting the hours in which the outdoor seating area will be open to customers as well as not permitting amplified sound in the outdoor area due to the proximity of neighbouring residents. The Planning Department have been contacted on several occasions by neighbouring residents voicing concerns regarding alcohol being used on the premises. The proposal is for an outdoor seating area to the rear of an

existing café. The matter of alcohol licences or BYOB is outside the remit of Planning as advised in Para 3.7 of DCAN 4 which refers to ‘Alfresco’ eating and states that it may be necessary to obtain licences from other authorities. The outdoor seating area is enclosed by high concrete walls as shown on the images below. This enclosure provides an acceptable level of privacy to neighbouring dwellings, given the fact that the rear gated access is to be used for emergency access and servicing of the premises (taking out bins etc) only. On this basis, the Planning Department do not consider it necessary to re-consult Environmental Health.



- *Proposal contrary to SPPS and DCAN 4;*
The assessment of the proposal against SPPS and DCAN 4 is laid out within this report.
- *Amenity and character of surrounding area will be negatively affected by increased traffic and limited parking available;*
As mentioned above, the site layout plan submitted shows capacity for an additional 16 customers in the outdoor seating area. The capacity can be controlled by way of condition if approval was to be granted. Given the Town Centre location, proximity to public transport links and proximity to a number of public car parks within the area and on-street parking along Seaview and Queen Street, it is considered that the increase in capacity for a potential 16 more customers would not be detrimental to the area in terms of parking. I consider that on street parking requirements are sufficient to deal with proposal as it is unlikely to generate heavy volumes of traffic and the local streets in the vicinity of the site as well as the public car parks less than 350m from the premises can adequately serve the proposal.
- c) it does not adversely affect features of the natural or built heritage;
The application site is within an Area of Outstanding Natural Beauty and an Area of Townscape Character. As such Policies NH 6 of PPS 2 and Policy ATC 2 of PPS 6 Addendum applies. There are also a number of listed buildings in close proximity to the application site. Given the location of the outdoor seating area to the rear of the building and enclosure provided by the adjacent development, the proposal will not be visible from public view points. No new buildings are proposed. On this basis, and given the urban context, I am satisfied that the proposal does not adversely affect features of the natural or built heritage.
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
The Flood Maps show that the application site is not located within an area at flood risk. The yard area is already hard cored.
- e) it does not create a noise nuisance;
As mentioned above, several letters of objections from neighbouring residents were received. These are detailed above. Environmental Health were consulted on the proposal and have returned a response offering no objections subject to conditions restricting the hours in which the outdoor seating area will be open to customers as well as not permitting amplified sound in the outdoor area due to the proximity of neighbouring residents. The restrictive opening hours of the outdoor area will limit the potential for noise nuisance.
- f) it is capable of dealing satisfactorily with any emission or effluent;
Given the nature of the proposal, this criterion is not applicable.

- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

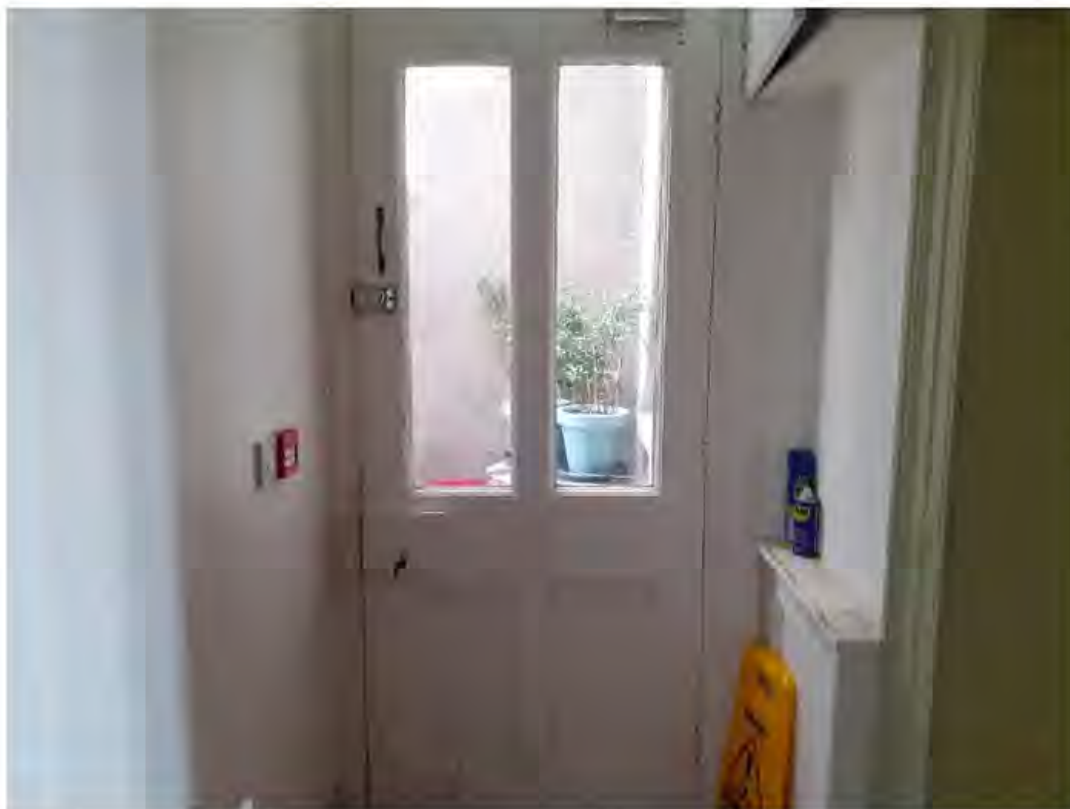
- h) adequate access arrangements, parking and manoeuvring areas are provided;

The site layout plan submitted shows capacity for an additional 16 customers in the outdoor seating area. The capacity can be controlled by way of condition if approval was to be granted. Given the Town Centre location, proximity to public transport links and proximity to a number of public car parks within the area and on-street parking along Seaview and Queen Street, it is considered that the increase in capacity for a potential 16 more customers would not be detrimental to the area in terms of parking. I consider that on street parking requirements are sufficient to deal with proposal as it is unlikely to generate heavy volumes of traffic and the local streets in the vicinity of the site as well as the public car parks less than 350m from the premises can adequately serve the proposal.

- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

Access to the outdoor seating area is through the existing café as shown on the images below. The rear laneway/right of way is to be used for emergency access and servicing of the premises only.





- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
The site layout shows the placement of the seating area. No new buildings are proposed. Landscaping is not required given the nature of the proposal and limited views of the seating area from public viewpoints.
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
As shown in the images of the outdoor area, the area is enclosed by high concrete walls which screens the seating area from public view.
- l) is designed to deter crime and promote personal safety; and
Access to the seating area is through the café. The gate is to be used for servicing purposes and emergency access only. The existing café premises will provide surveillance for the customer seating area.
- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.
N/A

Summary

In summary, the proposal complies with the relevant planning policies and guidance. The Planning Department acknowledge the letters of objections received. Following consultation with Environmental Health and after a full assessment of the proposal, it is considered that the proposal complies with the relevant planning policies and guidance. Conditions will be attached restricting the opening hours/usage of the outdoor seating area and capacity, restricting the use of the rear gate and the provision of amplified music to protect the amenity of neighbouring residents.

Recommendation: Approval

Conditions:

- 1) This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

- 2) The development hereby permitted shall take place in strict accordance with the following approved plan: A0020Rev07,

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

- 3) The gated access highlighted in yellow on Drawing No. A0020Rev07 shall be used for emergency access and servicing purposes only.

Reason: To protect the amenity of the neighbouring residents.

- 4) The hours of operation of the outdoor seating area hereby approved shall be restricted to 10:00 to 18:00 Monday to Saturday and closed on Sunday.

Reason: To protect the amenity of the neighbouring residents.

- 5) Amplified sound is not permitted in the outdoor seating area hereby approved at any time.

Reason: To protect the amenity of the neighbouring residents.

- 6) The capacity of the outdoor seating area hereby approved shall not exceed 16 patrons at any one time.

Reason: To protect the amenity of the neighbouring residents.

7) No food shall be cooked in the outside seating area at any time

Reason: To protect the amenity of neighbouring residents.

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 determination relates to Planning Control only and is not to be construed as binding the Planning Department in respect of any application required, including Advertising consent.
3. 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.

Case Officer Signature: Eadaoin Farrell

Date: 28.10.22

Appointed Officer Signature: M Keane

Date: 02-11-22



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2022/0226/F

Date Received:

02.02.2022

Proposal:

This is a category 11 section 54 application. Previous approval for retention of change of use to ground floor cafe unit & 2 no treatment rooms and ancillary services, condition 03 restricted opening hours to Mon-Sat 10.00 to 18.00. This application seeks variation to opening hours to provide opportunity for ticketed events and private catering (see attached sheet for times), 12 Seaview, Warrenpoint,

Proposed opening times:

Monday to Saturday open to general public 9am to 6pm,
Monday to Saturday open for ticketed events 6pm to 10pm
Sunday open to general public Midday to 4pm,
Open for private guest breakfasts 9am to 11am,
Open for ticketed events 4pm-9pm.

There are two holiday apartments on the floors above the cafe. The cafe owner would like to open on a Sunday morning to serve breakfasts to the guests staying in the holiday apartments - the cafe would not be open to the general public on Sunday morning.

Location:

Ground Floor Unit
12 Seaview
Warrenpoint
BT34 3NJ

Site Characteristics & Area Characteristics:

The application site is within the settlement limits of Warrenpoint and Warrenpoint Town Centre as designated within the Banbridge, Newry and Mourne Area Plan (2015). The site is also within an Area of Outstanding Natural Beauty and an Area of Townscape Character.

The application site consists of a three storey mid-terrace building which has been converted from offices to a café at the ground floor. Apartments are located on each floor, above the café.

The site is located adjacent a building that was previously known as The Balmoral Hotel but which has more recently been converted to several different uses, including a guest house, retail on the ground floor and a restaurant on the first floor.

On the opposite side are similar dwellings and some appeared to have been converted to apartments. On the opposite side of the Balmoral Hotel the area becomes residential with large three storey terraced dwellings of a similar form to the application site. The application building is in close proximity to the main commercial centre of Warrenpoint and Warrenpoint Town Park.

The building is currently subject to a live enforcement case - LA07/2022/0095/CA.

Planning Policies & Material

Considerations:

This application will be assessed under the following policy considerations:

- The Planning Act 2011
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 - Planning Archaeology and the Built Heritage
- PPS 6 Addendum – Areas of Townscape Character
- DCAN 4 – Restaurants, Cafes and fast food outlets

Site History:

- P/1976/0337 – Proposed renovation of existing dwelling – Permission granted
- P/2014/0957/F - Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC – Permission granted
- LA07/2019/1258/F - Retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services – Permission granted
- LA07/2022/0210/F - Retention of existing outdoor customer seating area – Under consideration

- LA07/2022/0095/CA - Alleged development not in accordance with approval – Live
- LA07/2021/0303/CA - Alleged breach of condition of planning approval LA07/2019/1258/F – Enforcement case closed
- LA07/2019/0201/CA - Alleged unauthorised change of use to cafe and holistic retailing – Enforcement case closed

Consultations:

Environmental Health were consulted a number of times on the proposal. The responses are as follows below:

- 25.03.22 - Environmental Health have no objection to this proposed development, subject to an operating hours condition;
- 21.04.22 - Environmental Health request further details on the "ticket events":
 - Nature/Type of events
 - Activities involved
 - Numbers of patrons expected at the eventsEnvironmental Health will make further comment when this information is received.
- 20.05.22 - Environmental Health have reviewed the application and have no objection subject to the following:
 1. As there are a number of residential properties in close proximity to this development, opening hours should be limited to the following times, to protect the amenity of the local area:
 - Monday to Saturday opening hours 9am to 10pm,
 - Sunday open 9am to 9pm
 2. Use of outdoor space should be limited to current planning conditions, namely:
Monday to Saturday :10.00am – 6:00pm
 3. Due to proximity of local residential buildings, there should be no amplified sound, within the curtilage of the property.

Objections & Representations:

Two neighbours were notified 11.03.22. A further 3 neighbours were notified 07.09.2022. The application was advertised in the local press 23.02.2022 and re-advertised 29.06.2022.

28 letters of objections from 23 different addresses were received.

The letters of objections have been summarised below.

- Existing breaches of previous planning approval regarding opening hours;
- Existing operation of outdoor area;
- Erection of new signage on premise;
- Proposed extended opening hours will result in a 3x fold potential increase in capacity and customers which would lead to problems for residents;
- Noise nuisance, intrusive and adverse impact on residential amenity for existing neighbouring residents;
- Proposal contrary to SPSS and DCAN 4;
- Amenity and character of surrounding area will be negatively affected by increased traffic;
- Limited parking available;

Queries were also received regarding an entertainment licence and liquor licence. These matters are outside the remit of planning.

Note: A letter of objection was received by Matrix Planning Consultancy advising that a more detailed letter will be submitted. A second holding letter was received from Matrix Planning Consultancy 20th September advising that a more detailed objection would be submitted in due course. A response email was sent to Matrix Planning to advise that applications cannot be held pending the submission of further representations. As per the Planning Act 2011, a statutory 2-week period is provided. However, the Department accept representations up until a recommendation is made.

A further two letters of objections from 2 different addresses were withdrawn and therefore the contents of these letters will not be considered.

A total of 36 letters of support were received from 29 different addresses. The letters of support have been summarised below.

- Currently no noise;
- Business is within retail area of Warrenpoint zone plan;
- Area draws tourism to Warrenpoint seafront;
- Business is a valuable asset to Warrenpoint's commercial attraction and would benefit economy;
- Asset to neighbourhood ambiance;
- Benefit to have a business opening later;
- Other neighbouring businesses have similar opening hours;

Consideration and Assessment

Planning Act 2011

Section 54 of the 2011 Act allows for an application to be made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. In considering an application made under section 54, the planning authority which granted the previous planning permission

must consider only the "question of the conditions" subject to which planning permission should be granted (section 54(3)).

LA07/2019/1258/F was approved 27th August 2020 for a change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services. The application wishes to vary condition 3 of LA07/2019/1258/F.

Condition 3 currently restricts opening hours of the premises to 10am to 6pm Monday to Saturday and closed on a Sunday. This condition was attached in the interests of amenity.

The applicant wishes to vary the opening hours to:

- Monday to Saturday open to general public 9am to 6pm,
- Monday to Saturday open for ticketed events 6pm to 10pm

- Sunday open to general public Midday to 4pm,
- Open for private guest breakfasts (apartments above) 9am to 11am,
- Open for ticketed events 4pm-9pm.

SPPS

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. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. The SPPS at paragraph 6.91 states all applications for economic development must be assessed against normal planning criteria relating to such considerations such as access arrangements, design, environmental and amenity impacts.

As stated, the principle of the use of this site as a café has already been established whereby this application seeks to vary the opening hours.

Impact on area and neighbouring residents

Para 5.1 of DCAN 4 states that "the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. In assessing this impact, a number of factors need to be taken into account i.e.

- noise disturbance;
- smells and fumes;
- refuse and litter;
- traffic considerations and car parking; and
- provision for people with disabilities."

Para 5.2 of DCAN 4 goes on to state that "the use of planning conditions is often paramount to the control of restaurants, cafés and fast food outlets, particularly in

relation to the above considerations. The impact of many proposals which would otherwise be rejected, may be mitigated by the imposition of such conditions. Preventative measures can be taken through the development control process by for example restricting opening hours and dealing with the technical aspects of noise and fume attenuation. The Environmental Health Department of the relevant local council will be consulted as appropriate during the processing of planning applications and in the formulation of any conditions considered necessary for the approval of the development."

As noted above, a number of letters of objections were received regarding the proposal. The objections are summarised below.

- Existing breaches of previous planning approval regarding opening hours;
There is a live enforcement case LA07/2022/0095/CA which is currently investigating possible breaches of opening hours condition and the use of the rear yard area for customers. The application under consideration is to vary the opening hours.
- Existing operation of outdoor area;
There is a live enforcement case LA07/2022/0095/CA which is currently investigating possible breaches of approval and the use of the rear yard area for customers. Subsequently, an application has been submitted and is under consideration for the retention of the outdoor seating area.
- Erection of new signage on premise;
The erection of new signage on premises requires advertisement consent. This concern will be raised with Enforcement.
- Proposed extended opening hours will result in a 3x fold potential increase in capacity and customers which would lead to problems for residents;
**The agent has clarified that Monday – Saturday 9am-6pm, the premises will be open to the general public and 6pm-10pm the premises will be open for tickets events. The agent advised that the ticketed events will have a maximum of 25 guests. The agent advised that Sunday 9am-11am the premises will be open for private breakfast for the upstairs apartments. The premises will be open 12pm-4pm on Sundays to the general public and 4pm-9pm on a Sunday for ticketed events.
At present the premises can open (as per condition No. 3) 10am-6pm Monday-Saturday. The proposed opening hours includes an extra hour in the morning (9am-10am) Monday-Saturday for the general public and 4 additional hours in the evening for ticketed events. Condition 3 currently restricts Sunday opening. Given the breakdown of the opening hours and conditions stipulated by Environmental Health, the Planning Department is satisfied that the extended opening hours will not affect the amenity of neighbouring residents in terms of odour, noise, parking and litter to an unacceptable level.**
- Noise nuisance, intrusive and adverse impact on residential amenity for existing neighbouring residents;

Environmental Health were consulted 3 times during the processing of the application. EH requested further information regarding the “ticket events” including the nature/type of events, activities involved, and numbers of patrons expected at the events. Further information submitted by the agent clarified that the ticketed events will be dining events with a maximum number of 25 guests attending. The guests will be taking part in food tasting. The agent advised that there will be no entertainment provided and no amplified sound within the curtilage of the property. Environmental Health returned a final response offering no objections subject to a number of conditions given the proximity of the development to residential properties. The conditions include:

- Opening hours should be limited to the following times, to protect the amenity of the local area:
 - Monday to Saturday opening hours 9am to 10pm,
 - Sunday open 9am to 9pm
- Use of outdoor space should be limited to current planning conditions, namely:
 - Monday to Saturday :10.00am – 6:00pm
- Due to proximity of local residential buildings, there should be no amplified sound, within the curtilage of the property.

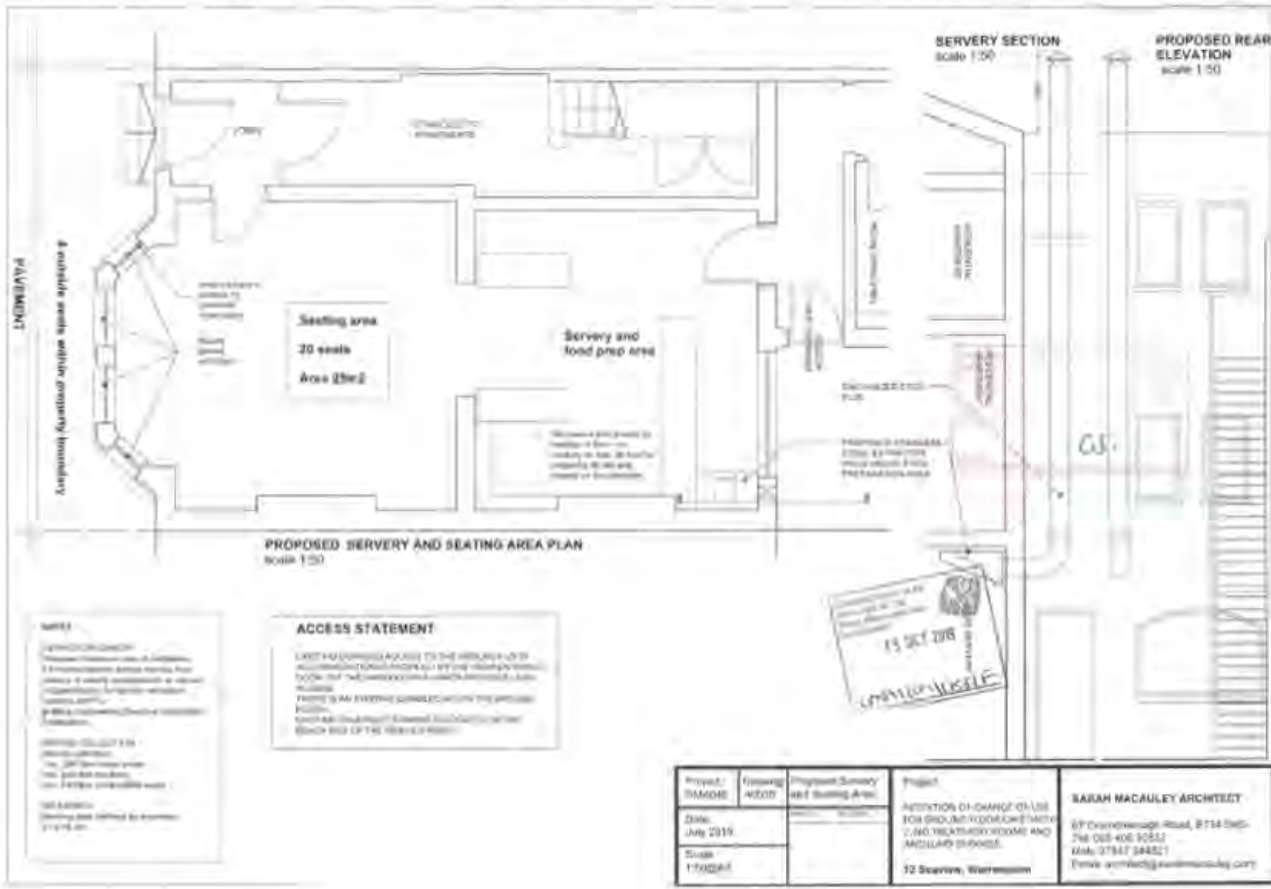
The Planning Department have been contacted on several occasions by neighbouring residents voicing concerns regarding alcohol being used on the premises. The matter of alcohol and/or entertainment licences or BYOB is outside the remit of Planning as advised in Para 3.7 of DCAN 4 which refers to ‘Alfresco’ eating and states that it may be necessary to obtain licences from other authorities.

- Proposal contrary to SPPS and DCAN 4;
The assessment of the proposal against SPPS and DCAN 4 is laid out within this report.
- Amenity and character of surrounding area will be negatively affected by increased traffic and limited parking available;

As mentioned above, the subject site is located within Warrenpoint Town centre boundary (TC 98). Para 4.1 of DCAN 4 states that retailing will generally be directed to existing settlements of appropriate size and Para 4.2 goes on to advise that preferable locations for restaurants, cafés and fast food outlets include town centres. Town centre uses include retail, offices, residential and various sui generis uses such as cafes within this proposal. Given the Town Centre location, proximity to public transport links and proximity to a number of public car parks within the area and on-street parking along Seaview and Queen Street, the Planning Department is satisfied that the proposal will not impact the amenity and character of surrounding area due to increased traffic and limited parking to an unacceptable level in this urban context. I consider that on street parking requirements are sufficient to deal with proposal as it is unlikely to generate heavy volumes of traffic given the size of the existing

premises (and the fact that the EH have stipulated a condition to restrict the outdoor seating area to a 6pm closure) and the local streets in the vicinity of the site as well as the public car parks less than 350m from the premises can adequately serve the proposal.

Whilst it is noted that this application seeks to extend the opening hours of the approved café, it has been acknowledged that the previous approval was granted on the basis of all food being prepared off site and only heated on the premises and that there was no cooking of food on site. This was also reiterated within the Planning Statement submitted alongside the application. A note was shown and approved on the site plan below. This Drawing was included on this decision notice.



Approved site layout - LA07/2019/1258/F

Given the above and the lack of detail provided for the proposed ticketed events, the Planning Department deem it necessary to protect the amenity of neighbouring residents in terms of potential odour pollution in line with Para 5.1 of DCAN 4 by stipulating a condition restricting the cooking of food on site unless the Council gives its written consent to any variation by the submission of an Odour Impact Assessment.

Summary

Having account, the detailed comment from Environmental Health who provided expertise in this respective field, it is considered the issues raised within the letters of objections have been fully considered, with detailed comment provided, offering no

objections. On this basis, it is considered there are no grounds to sustain a refusal on this basis.

The variation to the opening hours has been considered in consultation with Environmental Health, and while the itemised hours outlined and associated supporting documentation provided by the nominated agent are noted, following receipt of comments from Environmental Health these will be conditioned appropriately.

Recommendation: Approval

Conditions:

1. The hours of operation should be restricted to the following times:
 - Monday to Saturday opening hours 9am to 10pm,
 - Sunday opening 9am to 11am for guests from upper floor apartments only,
 - Sunday opening hours 12pm to 9pm

Reason: To protect the amenity of the local area.

2. The hours of operation of the outdoor seating area hereby approved should be restricted to 10:00 to 18:00 Monday to Saturday and closed on Sunday.

Reason: To protect the amenity of the local area

3. Amplified sound shall not be permitted within the curtilage of the property at any time.

Reason: To protect the amenity of the local area.

4. No food shall be cooked on site until an Odour Impact Assessment has been submitted by the applicant and approved by the Planning Authority.

Reason: To protect the amenity of the local area.

5. The gated access to the rear of the premises shall be used for emergency access and servicing purposes only.

Reason: To protect the amenity of the neighbouring residents.

Informatives:

1. All other conditions, informatives and annotations on the approved plans of LA07/2019/1258/F remain valid and must be adhered to in full.

Note: Drawing No.03 states 'No cooking on site. All food is prepared off site and heated on the premises'.

Case Officer Signature: Eadaoin Farrell Date: 28.10.22
Appointed Officer Signature: M Keane Date: 02-11-22



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0467/O

Date Received: 02.03.2022

Proposal: 2 no building sites on lands to infill gap on Creggan West Road

Location: Between no1 and no3 Creggan West Road Whitecross Co. Armagh BT60 2LA

Site Characteristics & Area Characteristics:

The application site is a portion of an agricultural field which is adjacent to the Creggan West roadside boundary. The site is relatively level, but the field increases in gradient to the rear of the red line boundary and into the lands outlined in blue. The site is bounded to the roadside by hedging. The Creggan River is located to north-west of the site. The area is rural in nature but there are some dwellings in close proximity to the site.

The site is located in the countryside, as designated in the Banbridge/ Newry and Mourne Area Plan 2015.

Date of Site Visit: 11/05/2022; 01/08/2022



Site History:

P/2007/0037/RM

- 170m South South-West of No. 5 Creggan West Road, Whitecross
- Erection of dwelling and garage
- Permission Granted 08.10.2007

P/2004/2793/RM

- 140 metres south of 5 Creggan West Road, Whitecross
- Erection of dwelling and detached garage
- Permission Granted 16.02.2005

P/2003/0083/O

- 140m South of No.5 Creggan West Road, Whitecross, Co Armagh
- Site for dwelling and garage
- Permission Granted 17.07.2003

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Consultations:

DfI Roads – No objections, subject to conditions

NI Water – Approved, with site specific conditions

Rivers Agency – No objections

Objections and Representations:

Neighbours were notified of the proposal 06.05.2022. It was also advertised in local press on 06.04.2022.

No objections or representations have been submitted for consideration.

Consideration and Assessment:**The Banbridge, Newry and Mourne Area Plan 2015**

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

Strategic Planning Policy Statement (SPPS)

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and as it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY8.

Policy CTY 8 – Ribbon Development

As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

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



The gap between numbers 1 and 3 measures 80m (approx). The frontage of the site measures 55m (approx).

Number 1's frontage measures 46m (approx) and number 3 has a frontage of 54m (approx). Number 2, opposite the application site, also has a frontage of 120m.

It is not considered the application site represents a small gap site, suitable for the infilling of two dwellings, in relation to the surrounding dwellings and associated plot sizes. The proposal therefore fails CTY 8.

To the northeast of the application site is number 3 Creggan West Road. A shed is located to the rear of this property. Photos below:



This shed is positioned to the rear of the property and lies behind the existing building line. The positioning of the shed to the rear of the plot, behind the host dwelling, means that this building does not form part of a line of three buildings (see appeal decision 2016/A0005). The shed reads as ancillary and subordinate.

Notwithstanding the positioning of the shed within the plot, it is considered that this shed is a temporary building and is not of permanent construction. It rests on concrete blocks.

For the reasons outline above, it is not considered that this shed is a building which contributes to a substantial and continuously built-up frontage.

To the southwest of the application site is number 1 Creggan West Road. A shed is located within the curtilage of this dwelling. It is aligned with the gable wall of the residential property. Photos below:



This shed is also of temporary structure which is raised off the ground by blocks. This structure is considered temporary in nature and is not of permanent construction. The shed is not visible from the roadside boundary (significant vegetation blocks this from view) and it is considered that this shed does not present as being a building along the road frontage.

Shed positioning, as viewed from Creggan West Road:



To the southwest of number 1 are three structures under the control of Northern Ireland Water – Whitecross One Wastewater Pumping Station (photo above). As outlined in appeal decision 2020/A0077, *‘for the purposes of Policy CTY 8, I attribute to the word ‘building’ its everyday use’*. Whilst the agent has indicated on the concept site layout plan that these existing sewage works constitute three buildings, it cannot be considered that these are buildings in its everyday use terms. These wastewater units are not considered to contribute to an otherwise substantial and continuously built-up frontage.

It is not considered that the application site sits within an otherwise substantial and continuously built-up frontage of 3 or more buildings. Given the positioning and temporary nature of the ancillary sheds, and the ineligibility of the pumping station to be considered buildings, there are only two buildings which have frontage onto the Creggan West Road. The proposal therefore fails CTY 8 criteria.

In addition to failing policy criteria in relation to gap size and frontage requirements, it is also considered that this proposal for two dwellings does not respect the existing development pattern in terms of siting and plot size. Plot sizes (approx) are indicated below and outlines how the two dwellings located either side of the site have a larger plot size. The proposal is for two dwellings. These dwellings, given the size of the application site, will be set closer to the roadside boundary than their neighbouring properties and would not conform with the established building line. It is not considered that the proposal respects the existing development pattern in terms of siting and plot size.



The Planning Department have considered the information provided by the agent, dated 17th August 2022.

This statement outlines four site frontages of neighbouring dwellings:

- Sewage works
- Number 1 Creggan West Road
- Number 3 Creggan West Road
- Number 5 Creggan West Road

The Planning Department do not accept that the sewage works containers constitute buildings, and so this cannot be considered to form part of the frontage. Number 5 Creggan West, as indicated below, is not considered to form part of a substantial and continuously built-up frontage.



The Planning Department do not accept the view outlined in this statement, that the proposed site is consistent in plot size with the sewage works. In relation to the two adjacent dwellings, the site does not appear consistent in terms of siting and plot size.

For the reasons outlined above, it is not considered that the proposal represents an exception to policy.

There are no overriding reasons why this development is essential in this rural location and as the proposal does not meet any of the exceptions listed within policy, is also contrary to CTY1.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The proposal is for outline planning permission. Provided appropriate conditions were applied to any approval, it is not considered that the dwellings would be a prominent feature in the landscape. Given the curvature of the roadside boundary on approach from east, the site can provide a suitable degree of enclosure for the building to integrate into the landscape. It does not rely primarily on the use of new landscaping for integration. Ancillary works integrate with their surroundings. The design of the buildings and their ability to blend with the landform,

existing trees, buildings, slopes and other features, would be assessed at Reserved Matters stage, should an approval be forthcoming.

CTY 14 – Rural Character

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

The proposed new buildings would not be unduly prominent in the landscape. The impact of ancillary works does not damage rural character.

The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings along Creggan West Road. The proposed dwellings are not considered to respect the traditional patterns of settlement exhibited in the area, given the small plot sizes in relation to the dwellings which bound the site. The proposal would add to a ribbon of development along Creggan West Road.

CTY 16 – Development relying on non-mains sewerage

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 15 - Planning and Flood Risk

DfI Rivers were consulted in regards this application site, given the proximity of the site to the Creggan River. Their comments are listed below:

FLD1 - Development in Fluvial and coastal Flood Plains –

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain.

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 this site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water –

A Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

FLD4 - Artificial Modification of watercourses –

Not applicable to this site based on information provided, in the event of an undesignated watercourse being discovered, Policy FLD 4 will apply.

FLD5 - Development in Proximity to Reservoirs –

Not applicable to this site.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage, does not respect the existing development pattern in terms of siting and plot size and would, if permitted, add to ribbon development along the Creggan West Road, and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted, add to a ribbon of development along the Creggan West Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this road, which would result in a detrimental change to the rural character of the area.

Case Officer: E.Moore 09/09/2022

Authorised Officer: P Rooney 04/10/2022

**Surveyors & Assessors
Architectural & Development Consultants
Structural & Civil Engineering Consultants**

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Newry Mourne and Down District Council
Planning Office
O'Hagan house
Monaghan Row
Newry
Co. Down

Date 4th November 2022
Our Ref 12468
Your Ref LA07/2022/0467/O

Re : Proposed 2 No. buildings sites onlands to infill gap, between No.1 and No. 3 Creggan West Whitecross, Co. Armagh

For: Mr Michael Nugent

In relation for the application above and the Proposal is for 2 No. building sites on lands to infill gap between No. 1 and No.3 Creggan West Road Whitecross Co. Armagh. We would like to take this opportunity to argue why we feel this applications reasons for refusal should be over turned.

The Refusal Reasons are as follows;

The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland and policy CTY1 of PPS21 Sustainable Development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The proposal is contrary to the strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 OF Planning Policy Sustainable Development in the countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built up frontage, does not respect the existing development pattern in terms of siting and plot size and would, if permitted, add to ribbon development along the Creggan West Road, and does not represent an exception to policy.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 OF Planning Statement 21 Sustainable Development in the countryside, in that the proposal would, if permitted add to a ribbon of development along the Creggan West Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along this road, which would result in a detrimental change to the rural character of the area.

We feel that our clients site along the Creggan West road does read as a gap site, therefore the proposal meets the criteria for the Planning Policy CTY 1 of PPS 21. The proposal shares all the characteristics of a gap site and therefore meets the criteria of CTY8 in the planning report it states that the site is not a gap site as it does not have two buildings on one side of the site. In the report it states that the sewage works buildings are not considered to form part of the frontage. We feel that the sewage buildings are a permanent fixture with a hard standing yard with wooden fence boundary, the sewage units are a full enclosure with a roof and four sides we feel that they are creditable buildings in their own right and should be viewed buildings in the same building line as No 1 and No. 3 Creggan West Road allowing our site to meet all the criteria of CTY 8 and CTY 1. The site will not add to ribbon development as the site will be read as a infill site. The site may lend itself better to a one dwelling infill site due to the existing road frontages along the Creggan West road, this can be easily amended to suit. The proposed dwelling if permitted would have similar characteristics of the existing dwellings in the immediate building line.

**Surveyors & Assessors
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The existing road frontages are as follows;

Sewage works site frontage - 23.9m

No. 1 Creggan West Road - 41.5m

No. 3 Creggan West Road - 52.8m

The proposed site has a road frontage of approximately 57m Which we feel would be better suited to the one dwelling site instead of the wo dwelling infill which at present is proposed.

We do not agree with the interpretation of policy made by planning officers and would seek an opportunity to address the committee to outline our reasons why we believe the application does meet the relevant policy criteria. We can also make necessary amendments if required to achieve a successful conclusion to the application.



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Newry, Mourne
and Down
District Council

Application Reference: LA07/2022/0780/F

Date Received: 10th May 2022

Proposal: Change of use from an existing warehouse to provide a heritage centre, cafe and a multi-use leisure space

Location: Building B Saintfield Community Centre 29 Belfast Road Saintfield



Site Characteristics & Area Characteristics:

The application site is located within the development limits of Saintfield on land which is regarded as white-land as identified in the Ards and Down Area Plan 2015. The site is accessed off the Belfast Road a protected route. The site comprises a former distribution factory and is currently used as a Community Centre. The community centre buildings are set back from the road to the rear of a large car parking area which is defined at the roadside by a low wall and fencing with planting behind.

The site is located opposite, Saintfield High School, with Millpond Business Park to the south. A watercourse and associated LLPA is located to the south and east of the site. To the north lies an area of housing.



Site History:

R/2003/1599/F - 29 Belfast Road, Saintfield - Extension to existing wholesale distributors warehouse to form new single storey warehouse on existing service yard for storage and distribution of plumbing products. - PERMISSION GRANTED - 16.04.2004

R/2006/0782/F - BJ Caraher (Distribution) Ltd. 29 Belfast Road, Saintfield - Removal of existing office block and construction of new warehouse and office block and associated carparking, beside existing warehouse and office - PERMISSION GRANTED 10.11.2006

R/2013/0085/F - 29 Belfast Road Saintfield - Change of use of current industrial warehouse to indoor Leisure Centre together with associated elevational amendments parking and landscaping (Amended site plan received- clarification re: site boundaries) - PERMISSION GRANTED - 20.08.2013

R/2014/0627/F - 29 Belfast Road, Saintfield - Change of use of 2 of the 3-existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include children's multi-play unit, additional onsite parking, tree maintenance and perimeter fencing. PERMISSION GRANTED - 09.02.2018

LA07/2018/1743/NMC - 29 Belfast Road, Saintfield - Non Material Change to previous approval R/2014/0627/F for the Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. - NON MATERIAL CHANGE REFUSED

LA07/2021/0394/F - Lands to the rear of Saintfield Community Centre and to the south of 8-11 Windmill Grange with access onto Belfast Road - Change of use of lands to Public Park(used in conjunction with Saintfield Community Centre) – UNDER CONSIDERATION

LA07/2021/1573/F - Rear of existing Unit C Saintfield Community Centre, Saintfield - Change of use to multi purpose community hall with ancillary cafe and exhibition space - to be used as an extension to existing facilities in front of building C and alterations to elevations - APPLICATION WITHDRAWN - 26.10.2021

Advertising

Article 8(1)(a) of the GDPO states that where an application is made to a council or they shall publish notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated.

The application was advertised in the Down Recorder on 08.06.2022

Neighbour Notification

The council is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the GDPO. An identified occupier means the occupier of premises within a 90-metre radius of the boundary of the application site while neighbouring land means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width.

The relevant neighbours of the site were notified of the proposal on 31.05.2022

No letters of objection or representation have been received in relation to the proposal

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
 - Planning Policy Statement 3
 - Planning Policy Statement 4
 - Planning Policy Statement 6
 - Planning Policy Statement 8
 - Planning Policy Statement 11
 - Planning Policy Statement 15
- DCAN 4 Restaurants, Café and Hot Food Outlets

Consultations:

Environmental Health – No objections

DfI Roads – No objections

Northern Ireland Water (NIW) – No objections

Proposal

The proposal also seeks permission to change the use of Unit B from an existing warehouse to provide a heritage centre, cafe and a multi-use leisure space.

The internal changes to the unit are shown in the existing and proposed images below.



In terms of how the building will appear externally, the images below show that a number of new doors are proposed which enable access to the various new uses within the unit. The entrance and exit doors to the eastern and western elevations will also be accompanied by some high-level windows. The overall size of the unit is to remain as existing in terms of its height and area. The new window and door openings are not considered to be detrimental to the character of the area.



Consideration & Assessment

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

Until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. There are no conflicts in this instance.

Principle

As noted above the unit was originally intended for use as a warehouse, however subsequent applications permitted the change of those units A and C adjacent to community use and indoor sports facilities. The site is not zoned for a specific use as designated in the Ards and Down Area Plan 2015. A change of use is therefore in principle permitted.

As the adjacent units have seen similar changes as to that which is proposed in this current proposal, it is considered in principle the proposal is acceptable.

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.

The proposal to bring a currently vacant unit into use would supports this guiding principle and it is considered that the proposal would comply satisfactorily with the SPPS.

Residential Amenity

Unit B is located approximately 60m from Windmill Hollow. The proposal to change the use to a heritage centre and a multi-use leisure space would result in no additional impact in terms of noise, smells or fumes from the building than that which already occurs adjacent. The addition of a café has been considered and it is noted that the Councils Environmental Health were consulted as part of this assessment to which they responded with no objection.

It is noted that no letters of objection have been received from neighbours of the site.

Visual Impact

As described above the site is located within an existing community complex. It is modern in design and finish. The elevational changes are considered to be satisfactory and would not be detrimental to the site of surrounding area in terms of its character and design.

A small terrace / outdoor siting area is proposed to the rear of the complex, within the confines of the existing Community Centre complex. Such provision is not considered to be detrimental to the appearance or character of the area. A small greenhouse is noted to be currently positioned in this proposed area as can be seen in the image below.



Access & Parking

The vehicular access to the site is existing and is to remain unaltered for the purposes of this application. As noted above the Belfast Road is a protected route.

Approx. 100 spaces serves the existing Community Centre Complex. The use of the building as proposed is not considered to impact detrimentally on the parking provision within the existing development.

DfI Roads were consulted with regard to the proposal and have advised the Planning Authority that they have no objections to the proposal.

Conclusion

The principle of this type of development has already been accepted on the site, and having account of the above, it is considered that the proposed works will not result in any unacceptable impact on any adjoining property or the character of the area in this urban environment.

It is noted that this area includes a mix of uses and the reuse of this vacant unit is encouraged and welcomed.

On balance and taking into account all of the above it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

Drawings

The Drawings considered as part of this assessment are as follows

P101, P102

Recommendation:

Approval subject to agreement by the Planning Committee in line with the Councils Scheme of Delegation Part 1 as the application relates to land in which the Council has an interest or estate.

Conditions

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

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

2. The development hereby permitted shall take place in accordance with the following approved plans P101 and P102

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

Informative

1. The premises must comply with food safety and health and safety legislation, and the applicant should liaise at an early stage with Newry Mourne and Down District Council's Environmental Health Service in relation to these matters

Case Officer: Claire Cooney

Date 24th October 2022

Authorised Officer: A.McAlarney

Date: 24th October 2022



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1212/A

Date Received: 22.07.2022

Proposal: Wooden Waymarker posts to be installed at various points within Rostrevor

Location: The application site includes 11 sites across Rostrevor:

1. Tom Dunn shared Space, The Square, Rostrevor
2. Old Crag Graveyard and Church Greenpark Road, Rostrevor
3. Old Presbyterian Meeting House 8 Mary Street Rostrevor
4. Presbyterian church 4 Kilbroney Court Rostrevor
5. Horner's Lane Corner Horner's Lane and Shore Road Rostrevor
6. Fairy Glen/Old Forge footpath off Bridge Street Rostrevor
7. Church of Ireland Church Street Rostrevor
8. The Barracks/Cherry Hill Church Street/Cherry Hill junction Rostrevor
9. St Mary's Star of the Sea Church Church Street Rostrevor
10. Dunn's Hill Kilbroney Road Rostrevor
11. Dunn's Grave Kilbroney Cemetery Kilbroney Road Rostrevor

Site Characteristics & Area Characteristics:

The application site comprises several locations within the settlement limit of Rostrevor (as outlined above in more detail). The application site runs through the village of Rostrevor starting at the Square leading through to the Kilbroney Road at the Cemetery. There are several designations along this route including: two Areas of Townscape Character, Site of Local Nature Conservation Importance, Local Landscape Policy Area, Area of Archaeological Potential, Conservation Area, Historic Park and Demesne is in close proximity and an ancient wood. A number of listed buildings are located along the application site including:

- HB/16/06/009 Kilbroney Graveyard (Site 11 Dunn's Grave Kilbroney Cemetery)
- HB/16/06/006 Our Lady's RC Church (Site 9 St Mary's Star of the Sea Church)
- HB/16/06/001 Kilbroney Parish Church (Site 7 Church of Ireland Church Street)
- HB/16/06/054 Presbyterian Church Mary Street (Site 3 Old Presbyterian

Meeting House 8 Mary Street)

- HB16/06/052 A-C 4- 8 Mary Street (Site 3)
- HB16/06/050 Memorial Crag Church (Site 2 Old Crag Graveyard and Church)

Site History:

The following table lists the relevant planning history across the eleven sites within the red line of this application.

1. Tom Dunn shared Space, The Square, Rostrevor
LA07/2022/1181/F Paving works Current application

P/2010/0542/F Erection of new street cabinet to facilitate provision of new fibre optic infrastructure across the BT network. Permission granted
2. Old Crag Graveyard and Church Greenpark Road, Rostrevor
No relevant planning history observed.
3. Old Presbyterian Meeting House 8 Mary Street Rostrevor
LA07/2021/1227/A The signage is for the purpose of the shop and gallery. The signage location is to be proposed above and to the side of the main door on the front elevation. Permission granted

LA07/2021/1228/LBC Change of use from former restaurant to gallery and shop. Proposed paint finishes to interior and exterior of building, proposed signage to existing front of premises. Permission granted

LA07/2021/1217/F Change of use from former restaurant to gallery and shop. Proposed paint finishes to interior and exterior of building, proposed signage to existing front of premises. Permission granted
4. Presbyterian church 4 Kilbroney Court Rostrevor
P/2003/0645/F Extension to Existing Youth Centre. Permission granted
5. Horner's Lane Corner Horner's Lane and Shore Road Rostrevor
No relevant planning history observed.
6. Fairy Glen/Old Forge footpath off Bridge Street Rostrevor
P/2011/0984/LDP This proposal consists of installing 6 interactive learning stations. Permitted development

LA07/2019/0036/F Upgrade to an existing path network around the Kilbroney Park hub to 'The Fairy Glen Walking Trail' in Kilbroney Park - A walk trail network which will be made up of existing trail walks with some new build on sections of the trail". Permission granted

7. Church of Ireland Church Street Rostrevor
LA07/2016/1714/F Proposed demolition of existing W.C. annex at foot of Church Tower and replacement with new W.C. / annex with improved disabled access to Church. Provision of ramped access to Church Yard from The Square via existing perimeter footpath. Application declined
8. The Barracks/Cherry Hill Church Street/Cherry Hill junction Rostrevor
No relevant planning history observed.
9. St Mary's Star of the Sea Church, Church Street Rostrevor
P/2003/1877/F Storm glazing, flashings to copings, railings redecoration, repairs to flat roofs, car park resurfacing at parochial house and re-plastering of associated wall. Permission granted
10. Dunn's Hill Kilbroney Road Rostrevor
LA07/2018/0037/F Proposed replacement dwelling. Permission refused

LA07/2021/1230/F Single storey rear extension to existing dwelling Permission granted

LA07/2015/1161/F Proposed erection of a dwelling house. Permission refused

P/2010/0426/F Proposed replacement dwelling and associated site works. Permission refused
11. Dunn's Grave Kilbroney Cemetery Kilbroney Road Rostrevor
No relevant planning history observed.

Planning Policies & Material Considerations:

- The Regional Development Strategy (RDS) 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 2 Natural Heritage
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 17 Control of Outdoor Advertisements
- Living Places Urban Stewardship and Design Guide

Consultations:

HED	Content
Roads	Content

Objections & Representations:

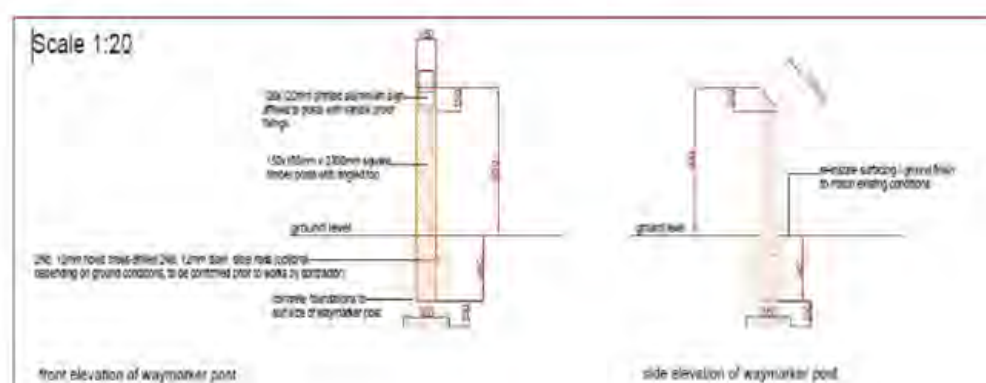
Neighbour notification and advertisement of the application were not required as per the legislation set out in the Planning Control of Advertisements Regulations NI

2015.

Consideration and Assessment:

Proposal

Timber wayfinder signs are proposed at 11 sites in Rostrevor Village (as detailed earlier in this report). The signage measures 900mm high and 150mm X 150mm timber post with a signage panel measuring 120mm x 120mm. The signs are waymarkers for a Tom Dunn trail, they are to be installed in the existing pavements/paths. The signage is not illuminated.



The main issues to be considered are the effect of the proposal on amenity, public safety, the character of the Rostrevor Conservation Area/ATC and the effect of the proposed signage near listed buildings particularly at locations 2, 3, 7, 9 and 11.

Banbridge/ Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

I consider the proposal does not offend with the objective above due to its small nature. There are no additional policies in the adopted Area Plan that are relevant to the determination of the application and it will be assessed against regional operational policies.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS aims to ensure that advertisements do not prejudice amenity or public safety, having regard to the specific circumstances of each proposal. This is in line with the approach adopted in the retained policy AD1 of PPS17. Paragraph 6.59 of the SPPS states that care must be taken to ensure that all proposals will not detract

from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

The proposed signage is not illuminated, which is acceptable. HED in their consultation response have stated the proposal complies with para 6.12 of the SPPS and Policy BH 11 of PPS6. Furthermore, paragraph 6.18 of the SPPS states that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not exist. It is considered the proposed design and materials of the signage will not have a negative impact on the setting of Rostrevor Conservation Area or ATC as their scale is so diminutive when compared to the surrounding buildings and the timber material is sympathetic and respectful to the character of the setting. There are no public safety or road safety issues associated with this proposal and DFI Roads have returned a consultation response of no objection.

PPS 6 Planning, Archaeology and the Built Heritage

Policy BH13 states that the Department will not normally grant consent for the display of advertisements in or close to a conservation area which would adversely affect the character, appearance or setting of the area or which would be detrimental to public safety. As discussed above it is considered the proposal will not have any demonstrable negative impact on the setting of Rostrevor Conservation Area/ATC due to its size and finish.

Recommendation: Approval

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time Limit
2. The development hereby permitted shall take place in strict accordance with the following approved plans: 03C, 04, 05(1), 05(2), 05(3), 05(4), 05(5), 05(6), 05(7), 05(8), 05(9) 05(10), 05(11).
Reason: To define the planning permission and for the avoidance of doubt.

Informative

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional

Development for which separate permissions and arrangements are required.

Case Officer Signature: Clare McCoy

Date: 26 October 2022

Authorised Officer Signature:

M Keane

Date: 26-10-22

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Legal Advice received. Further information received from the agent.	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can	A McAlarney	Awaiting Consultee response.	N

	area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	be secured for this proposal.			
LA07/2019/1087/O	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney	Return to Nov Committee	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley		N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Agent to submit revisions following meeting.	N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					

LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney		
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	
PLANNING COMMITTEE MEETING 27 JULY 2022					
LA07/2021/0987/F	Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road	Defer – Dfi to attend Planning Committee Meeting when application is next scheduled	Anthony McKay	On agenda for Special meeting on 08-09-2022 – meeting cancelled and to be reconvened	
LA07/2020/1864/F	Proposed barbers shop / hairdressers - Between no.39 Church Street Rostrevor & no. 2 Water Street Rostrevor	Defer for a site visit	Pat Rooney	Site visit 10-08-2022 – on agenda for meeting on 24-08-2022 – defer to allow for further discussions to take place with the agent, applicant and planners	
PLANNING COMMITTEE MEETING 24 AUGUST 2022					
LA07/2022/0273/F	Change of use application from existing shop (Use Class A1) to proposed Amusement Arcade - 54 Market Street Downpatrick	Removed from the agenda at the request of Planners to consider a late objection received	Anthony McKay		

PLANNING COMMITTEE MEETING 19 OCTOBER 2022					
LA07/2020/1588/F	Development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works - Former St. Patrick's Primary School site, Ardglass Road Downpatrick	Application removed from the agenda at the request of Planners		Return to Nov Committee	
END					

Newry, Mourne & Down District Council – October 2022

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1. Live Applications

MONTH 2022/23	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April 2022	142	1,120	235
May 2022	132	1,070	248
June 2022	187	1,074	266
July 2022	129	1,070	265
August 2022	178	1,104	270
September 2022	191	1,130	271
October 2022	164	1,119	263

2. Live Applications by length of time in system

Month 2022/23	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April 2022	660	225	89	37	109	1,120
May 2022	609	213	94	43	111	1,070
June 2022	618	190	115	42	109	1,074
July 2022	609	196	112	43	110	1,070
August 2022	626	208	110	46	114	1,104
September 2022	649	210	106	48	117	1,130
October 2022	670	186	95	53	115	1,119

3. Live applications per Case Officer

Month 2022/23	Average number of Applications per Case Officer
April	69
May	66
June	66
July	70
August	72
September	79
October	78

Newry, Mourne & Down District Council – October 2022

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4. Decisions issued per month

Month 2022/23	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	151	139
May	159	152
June	168	162
July	117	110
August	126	126
September	155	148
October	153	142

5. Decisions Issued YTD

Month 2022/23	Number of Decisions Issued	Breakdown of Decisions	
April	151	Approvals (138)	91%
		Refusals (13)	9%
May	310	Approvals (287)	93%
		Refusals (23)	7%
June	478	Approvals (444)	93%
		Refusals (34)	7%
July	595	Approvals (554)	93%
		Refusals (41)	7%
August	721	Approvals (672)	93%
		Refusals (49)	7%
September	876	Approvals (817)	93%
		Refusals (59)	7%
October	1,029	Approvals (949)	92%
		Refusals (80)	8%

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6. Enforcement Live cases

Month 2022/2023	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	214	154	75	74	78	96	691
May	218	144	79	79	75	97	692
June	209	149	73	75	82	96	684
July	207	151	75	68	78	94	673
August	203	157	80	58	80	99	677
September	194	162	82	59	83	100	680
October	225	156	87	58	82	100	708

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
6 April 2022	10	7	3	1
11 May 2022	9	7	2	5
1 June 2022	9	6	3	3
29 June 2022	6	3	3	1
27 July 2022	3	0	3	0
24 August 2022	17	13	4	4
21 September 2022	13	10	3	4
19 October 2022	9	7	2	5
Totals	76	53	23	23

8. Appeals

Planning Appeal Commission Decisions issued during period 1 September 2022 to 31 October 2022

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	27	1	0	1	-
Down	34	2	1	1	-
TOTAL	61	3	1	2	-

Newry, Mourne & Down District Council – October 2022

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Statutory targets monthly update - September 2022 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	303.8	0.0%	121	147	20.8	34.0%	30	45	101.2	44.4%
May	1	-	0.0	0.0%	124	143	19.6	31.5%	41	39	61.6	59.0%
June	1	-	0.0	0.0%	136	153	15.4	47.7%	27	33	79.5	45.5%
July	2	2	97.9	0.0%	91	98	17.3	37.8%	27	45	177.7	48.9%
August	0	1	11.4	100.0%	163	113	19.4	33.6%	39	21	49.4	66.7%
September	1	1	48.8	0.0%	126	139	19.8	30.2%	34	20	68.8	55.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	5	5	67.4	20.0%	761	793	18.2	35.9%	198	203	82.6	51.7%

Source: NI Planning Portal

Notes:
1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

Newry, Mourne & Down District Council – October 2022

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- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is*
- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning appeal is filed. The 50th percentile of the sequence.*

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT LOCATION	Mr James Rogan Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure	Date Appeal Lodged	10/03/2020
Date of Hearing		
Date Statement of Case Due for Hearing		
Date Statement of Case Due - Written Representation		
Date of Site Visit		

ITEM NO	2	PAC Ref:	2020/A0142
Planning Ref:	LA07/2020/1072/	DEA	Downpatrick
APPELLANT LOCATION	Chris Ball 67 St Patricks Avenue Downpatrick		
PROPOSAL	Change of use from commercial/office to a 2 bedroom dwelling		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure	Date Appeal Lodged	15/02/2021
Date of Hearing		
Date Statement of Case Due for Hearing		
Date Statement of Case Due - Written Representation		
Date of Site Visit		

Current Appeals

298

ITEM NO	3		
Planning Ref:	LA07/2020/1485/	PAC Ref:	2020/A0145
APPELLANT	Leo Mcgrenaghan	DEA	Slieve Croob
LOCATION	Land Adjacent To 32 Teconnaught Road Downpatrick		
PROPOSAL	Dwelling House		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/02/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2018/1616/	PAC Ref:	2020/C002
APPELLANT	David Trevor Shields	DEA	The Mournes
LOCATION	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel		
PROPOSAL	RT34 47N Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		
APPEAL TYPE	DC- EIA Determination - app ES is required		
Appeal Procedure	Formal Hearing	Date Appeal Lodged	11/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	LA07/2020/1568/	PAC Ref:	2021/A0009
APPELLANT	Mr & Mrs Pat Hayes	DEA	Slieve Croob
LOCATION	To The Rear And Immediately South West Of 62 Crawfordstown Road		
PROPOSAL	Drumaness Retrospective extension to domestic curtilage, construction of garden feature and greenhouse along with all associates hard and soft landscaping.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2020/1360/	PAC Ref:	2021/A0022
APPELLANT	Charlie Magennis	DEA	The Mournes
LOCATION	Base And Morelli's 71-73 Central Promenade Newcastle		
PROPOSAL	Proposed erection of temporary retractable awning and lightweight structure		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

300

ITEM NO	7		
Planning Ref:	LA07/2020/1077/	PAC Ref:	2021/A0031
APPELLANT	Mr Eammon McAteer	DEA	Crotlieve
LOCATION	12 Cullion Road Mayobridge RT34 2H11		
PROPOSAL	Improvements to existing lorry parking area, erection of a building for the maintenance of lorries and collection and compacting of cardboard polystyrene for transfer to re cycling centers		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2021/0096/	PAC Ref:	2021/A0033
APPELLANT	Mr Bailey	DEA	Rowallane
LOCATION	18a Drumgivan Road Drumgivan Ballinahinch		
PROPOSAL	Extension and renovation of Schoolhouse to domestic dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

301

ITEM NO	9		
Planning Ref:	LA07/2020/0770/	PAC Ref:	2021/A0034
APPELLANT	Jamie McDonald	DEA	Newry
LOCATION	Lands Approx. 40m NE Of 29 Clontigora Hill Newry		
PROPOSAL	Infill dwelling and garage, associated landscaping and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/05/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2020/0079/	PAC Ref:	2021/A0049
APPELLANT	M Farrell	DEA	Newry
LOCATION	Lands Approximately 50m North West Of No. 53 Ayalogue Road Newry		
PROPOSAL	Dwelling and garage on gap site		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

302

ITEM NO	11	PAC Ref:	2021/A0051
Planning Ref:	LA07/2020/1828/	DEA	Slieve Croob
APPELLANT	Richard Hall		
LOCATION	Adjacent And Immediately North Of 42 Old Belfast Road Dundrum Newcastle		
PROPOSAL	Infill site for dwelling with domestic garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2021/A0075
Planning Ref:	LA07/2021/0450/	DEA	The Mournes
APPELLANT	Paul Smith		
LOCATION	57 Castlewellan Road Newcastle		
PROPOSAL	Artist studio and study to existing dwelling, for domestic use associated with the dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/07/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

303

ITEM NO	13		
Planning Ref:	LA07/2020/0936/	PAC Ref:	2021/A0092
APPELLANT	Mr James Hughes	DEA	Crotlieve
LOCATION	Mountview Business Park Rathfriland Road		
PROPOSAL	New Replacement free standing vertical sign with logos to both faces		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/08/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2021/0790/	PAC Ref:	2021/A0107
APPELLANT	Mr & Mrs Wayne Garrett	DEA	Rowallane
LOCATION	135m South Of 58 Carsonstown Road Saintfield		
PROPOSAL	Single dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2021/A0109
Planning Ref:	LA07/2021/0473/	DEA	The Mournes
APPELLANT	Rhys Dowsall		
LOCATION	5 Killowen Road Rostrevor		
PROPOSAL	Retention of mobile home on concrete hardstanding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/09/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2021/A0113
Planning Ref:	LA07/2021/1088/	DEA	Crotlieve
APPELLANT	MPG Wind		
LOCATION	Lands Approximately 230m To The North West Of 15 Barnmeen Road Rathfriland		
PROPOSAL	Proposed retention of existing turbine tower, replacement of existing turbine nacelle and blades with new nacelle and blades. The replacement nacelle and blades will create a hub height of 40m with a maximum rotor diameter of 31m and tip height of 55.5m (up to 250kW)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	09/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17		
Planning Ref:	LA07/2018/0932/	PAC Ref:	2021/A0116
APPELLANT	Dynes Bros	DEA	Downpatrick
LOCATION	No's 12 And 14 St Patrick's Way And Lands Between 12 And 14 St Patrick's Way Ballyhornan Road Ballyalton Downpatrick (amended Address)		
PROPOSAL	Detached dwelling on lands between 12 and 14 St Patrick's Way and amendments to existing dwellings 12 and 14 to provide additional lands, landscaping and amendments to previously approved parking arrangements. (Amended Proposal)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2019/1206/	PAC Ref:	2021/A0118
APPELLANT	Kilbroney Timberframe Limited	DEA	Newry
LOCATION	Land At 76 Canal Street Newry And Lands 15 Metres North Of 31-43 Catherine Street		
PROPOSAL	Proposed 8 dwellings (2 blocks of four terrace dwellings)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	13/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19	PAC Ref:	2021/A0122
Planning Ref:	LA07/2020/0921/	DEA	Downpatrick
APPELLANT	Alan Humphries		
LOCATION	Adjacent To 127a Shore Road Kilclief		
PROPOSAL	Dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/10/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20	PAC Ref:	2021/A0137
Planning Ref:	LA07/2021/0092/	DEA	Crotlieve
APPELLANT	Mr Paul Henry Murney		
LOCATION	39 Chapel Hill Road Mayobridge		
PROPOSAL	^{Newry} Retention of agricultural shed used for the wintering of animals and the storage of fodder and farm machinery		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	04/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2021/0174/	PAC Ref:	2021/A0138
APPELLANT	Mary Boal	DEA	Croilieve
LOCATION	To The Rear Of No. 56 Milltown Street Burren		
PROPOSAL	Warrenpoint Proposed dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	04/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2021/1066/	PAC Ref:	2021/A0141
APPELLANT	Sean & Linda Tumelty	DEA	Slieve Croob
LOCATION	Adjacent To And North West Of 150A Vianstown Road Downpatrick		
PROPOSAL	Single Dwelling House		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23	PAC Ref:	2021/A0143
Planning Ref:	LA07/2020/0518/	DEA	Slieve Gullion
APPELLANT	Mr Alan Milne		
LOCATION	100m North Of 245 Armagh Road Tullyhappy		
PROPOSAL	^{Newry} Retention of replacement agricultural store		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/11/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2021/A0150
Planning Ref:	LA07/2021/1061/	DEA	Crotlieve
APPELLANT	Mr Dermot O'Hare		
LOCATION	Lands Between 17A And 17B Hilltown Road Mayobridge		
PROPOSAL	^{RT34 2A1} Proposed dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	02/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

309

ITEM NO	25		
Planning Ref:	LA07/2021/0502/	PAC Ref:	2021/A0156
APPELLANT LOCATION	Mr & Mrs J Wade 71 Lisburn Road Lisdalga Saintfield	DEA	Rowallane
PROPOSAL	Replacement dwelling and conversion of existing dwelling to domestic store.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2019/1262/	PAC Ref:	2021/A0158
APPELLANT LOCATION	SJ Anderson & Sons 11 Lisburn Road Ballynahinch	DEA	Rowallane
PROPOSAL	Replacement of existing dwelling with 4 townhouses and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

310

ITEM NO	27		
Planning Ref:	LA07/2021/0639/	PAC Ref:	2021/A0161
APPELLANT	Declan Clarke	DEA	Newry
LOCATION	Located Upon Lands Approximately 50 Meters North Of No 33 Ferryhill Road Clontarf		
PROPOSAL	Proposed Erection of outline rural detached infill dwelling house and detached domestic garage, site works and associated landscaping		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2021/0578/	PAC Ref:	2021/A0162
APPELLANT	Mr Brendan Quinn	DEA	Slieve Gullion
LOCATION	Located Upon Lands Approximately 40m South East Of No. 20 Creamery Road Carran		
PROPOSAL	Proposed erection of a rural infill detached dwelling house together with detached domestic garage, site works and associated landscaping		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

311

ITEM NO	29	PAC Ref:	2021/A0163
Planning Ref:	LA07/2021/0361/	DEA	Slieve Gullion
APPELLANT	Gerard Murphy		
LOCATION	Approximately 84 Metres North East Of No. 2 Milltown Road Lislea		
PROPOSAL	C/o Armanh Proposed erection of an agricultural storage building and associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2021/A0168
Planning Ref:	LA07/2020/1025/	DEA	Downpatrick
APPELLANT	Patrick Fitzsimons		
LOCATION	Adjacent To And North West Of 59 Annacloy Road Downpatrick		
PROPOSAL	RT30 9A0 Proposed dwelling accessed by existing entrance and proposed new entrance for 59 Annacloy Road, Downpatrick		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

312

ITEM NO	31		
Planning Ref:	LA07/2021/0066/	PAC Ref:	2021/A0169
APPELLANT	Mr Peter Connolly	DEA	Newry
LOCATION	3 River Street Newry BT34 1DQ		
PROPOSAL	Conversion of commercial property to four number self contained one bedroom apartments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32		
Planning Ref:	LA07/2021/0408/	PAC Ref:	2021/A0177
APPELLANT	Irwin Carr Consulting Ltd	DEA	Crotlieve
LOCATION	Lands Located To The Rear Of No. 7 Osbourne Promenade (together With Rear Access And Parking From Great Georges Street South)		
PROPOSAL	Proposed Retention of Existing Office/Storage Building to be used in conjunction with No. 7 Osbourne Promenade (amended description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	20/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

313

ITEM NO	33		
Planning Ref:	LA07/2020/0982/	PAC Ref:	2021/A0178
APPELLANT	Mr Noel McKeivitt	DEA	Newry
LOCATION	Lands Approximately 55 Metres North West Of No.5 Upper Fathom Road		
PROPOSAL	Fathom Lower Proposed erection of 2 No. Rural infill detached dwelling houses and detached garages, rural entrance pillars and gates, additional landscaping and associated site works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	20/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2021/0598/	PAC Ref:	2021/A0179
APPELLANT	Ryan Kelly	DEA	Slieve Croob
LOCATION	Adjacent To 104 Downpatrick Road Ballynahinch		
PROPOSAL	Farm dwelling, detached garage and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

314

ITEM NO	35	PAC Ref:	2021/A0182
Planning Ref:	LA07/2021/0246/	DEA	The Mournes
APPELLANT	Gerard Milligan		
LOCATION	Immediately North-west Of 102 Tullybrannigan Road Newcastle		
PROPOSAL	Proposed 3no. self contained tourism units		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36	PAC Ref:	2021/A0185
Planning Ref:	LA07/2021/0428/	DEA	Newry
APPELLANT	Michael Berrill		
LOCATION	Casa Bella Interiors 4 The Mall Newry		
PROPOSAL	Replacement of existing shop front sign		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

315

ITEM NO	37	PAC Ref:	2021/A0186
Planning Ref:	LA07/2021/1747/	DEA	Slieve Croob
APPELLANT	Walter Watson		
LOCATION	Site Between 121 And 121a Ballylough Road Castlewellan		
PROPOSAL	New Infill Dwelling (CTY 8)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	38	PAC Ref:	2021/A0192
Planning Ref:	LA07/2021/0339/	DEA	Rowallane
APPELLANT	Mr Daniel Clarke		
LOCATION	Lands Approx. 30m To North East Of No 16 Ringhaddy Road, Killinchy		
PROPOSAL	Proposed site for dwelling in accordance with Policy CTY8 of PPS21		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

316

ITEM NO	39		
Planning Ref:	LA07/2020/1796/	PAC Ref:	2021/A0196
APPELLANT	Joseph McKeivitt	DEA	Croilieve
LOCATION	Immediately North West Of No. 4 Aughnamoira Road Warrenpoint BT34 2PR		
PROPOSAL	Erection of dwelling (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	14/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	40		
Planning Ref:	LA07/2021/1407/	PAC Ref:	2021/A0197
APPELLANT	Mr & Mrs Orr	DEA	Rowallane
LOCATION	Adjacent To 60 Carsonstown Road Carsonstown Saintfield		
PROPOSAL	Erection of Replacement Dwelling and Retention of existing building as outbuilding		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	18/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

317

ITEM NO	41		
Planning Ref:	LA07/2021/0956/	PAC Ref:	2021/A0200
APPELLANT	David Og Downey	DEA	Newry
LOCATION	101m North West Of No.60 Lower Foughill Road Jonesborough		
PROPOSAL	Newry Proposed off site replacement dwelling and associated site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	24/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	42		
Planning Ref:	LA07/2021/0620/	PAC Ref:	2021/A0203
APPELLANT	Mr Martin Russell	DEA	Slieve Croob
LOCATION	Magheralagan Corn Mill Opposite 68 Drumcullan Road		
PROPOSAL	Downpatrick Restoration and Conversion of Magheralagan Corn Mill to single dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

318

ITEM NO	43	PAC Ref:	2021/A0211
Planning Ref:	LA07/2021/1079/	DEA	Slieve Croob
APPELLANT LOCATION	Bridgeen King 7 Woodgrove Castlewellan		
PROPOSAL	Use of building as salon for home-working (retrospective)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	44	PAC Ref:	2021/A0225
Planning Ref:	LA07/2021/1123/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs Malone Lands Approx. 50m South East Of 55 Leitrim Road Castlewellan		
PROPOSAL	Proposed Site for erection of 1no detached off site Replacement Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

319

ITEM NO	45		
Planning Ref:	LA07/2021/1188/	PAC Ref:	2021/A0229
APPELLANT	Frank Clerkin	DEA	Croilieve
LOCATION	170 Metres North West Of 107 Kilbroney Road Rostrevor		
PROPOSAL	RT34 3RW Proposed extension to existing farm yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/02/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	46		
Planning Ref:	LA07/2021/1091/	PAC Ref:	2021A0234
APPELLANT	Mr Garth & Mrs Kathryn Belshaw	DEA	Rowallane
LOCATION	Land Adjoining 26 Windmill Avenue Ballynahinch		
PROPOSAL	Single Dwelling House		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

320

ITEM NO	47		
Planning Ref:	LA07/2021/0251/	PAC Ref:	2021/A0235
APPELLANT	Robin Dalzell	DEA	The Mournes
LOCATION	Site Adjacent To 57 Castlewellan Road Newcastle		
PROPOSAL	Single Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	14/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	48		
Planning Ref:	LA07/2021/0368/	PAC Ref:	2021/A0239
APPELLANT	Mr & Mrs L Venney	DEA	Downpatrick
LOCATION	Lands Contained Between 1 Minerstown Road And 55 Rossglass Road		
PROPOSAL	Downpatrick 2 no. Infill dwellings and detached garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

321

ITEM NO	49		
Planning Ref:	LA07/2021/1640/	PAC Ref:	2021/A0244
APPELLANT	Luke Rea & Claire McIlwaine	DEA	Rowallane
LOCATION	Lands Adjacent To And 35m West Of 73 Lisbane Road Ballynahinch		
PROPOSAL	Proposed Site for a Single Infill Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/03/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	50		
Planning Ref:	LA07/2020/1906/	PAC Ref:	2021/E0010
APPELLANT	Eamonn McAteer McAteer Recyclin	DEA	Crotlieve
LOCATION	Lands At And To The Rear Of No. 12 Cullion Road Mayobridge		
PROPOSAL	Newrv Existing area, yard and access, for storage, parking and circulation of vehicles associated with McAteer Recycling Ltd, and all associated site works and infrastructure		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	10/06/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

322

ITEM NO	51		
Planning Ref:	LA07/2021/0778/	PAC Ref:	2021/E0057
APPELLANT	Norman Graham	DEA	Rowallane
LOCATION	50m North To Rear Of 46 Riverside Road Ballynahinch		
PROPOSAL	Erection and use of two agricultural sheds for agricultural uses for storing farm machinery and equipment for active farm and provide lambing/calving, TB Testing onsite facilities with crush		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	52		
Planning Ref:	LA07/2021/0780/	PAC Ref:	2021/E0058
APPELLANT	Norman Graham	DEA	Rowallane
LOCATION	50m North To Rear Of 46 Riverside Road Ballynahinch		
PROPOSAL	Erection and Use of Dwelling House		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	22/12/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

323

ITEM NO	53	PAC Ref:	2021/E0069 LDC
Planning Ref:	LA07/2021/1361/	DEA	Slieve Croob
APPELLANT	Mr Christopher Skelly		
LOCATION	Land Adjacent And NW Of 50 Flush Road Ballyward Castlewella		
PROPOSAL	The formation of a laneway to the site and the digging of foundations		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	22/02/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	54	PAC Ref:	2021/E0074 LDC
Planning Ref:	LA07/2021/0990/	DEA	Downpatrick
APPELLANT	Mr Brendan Starkey		
LOCATION	Approx 90m East Of 27 Bright Road Downpatrick		
PROPOSAL	The digging of foundations, the lying of concrete and the construction of a portion of block-work		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	16/03/2022
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

324

ITEM NO	55	PAC Ref:	2022/A0019
Planning Ref:	LA07/2021/1781/	DEA	Rowallane
APPELLANT LOCATION	Trevor Lindsay Between 5 & 7 The Nursery Killyleagh		
PROPOSAL	Site for Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/04/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	56	PAC Ref:	2022/A0020
Planning Ref:	LA07/2022/0021/	DEA	The Mournes
APPELLANT LOCATION	Terence O'Hanlon 161 Bryansford Road Cross Kilronn		
PROPOSAL	Retrospective application for Garage building, also accommodating Home office and Gymnasium on hardstanding on increased Dwelling Curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/04/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

325

ITEM NO	57		
Planning Ref:	LA07/2021/1011/	PAC Ref:	2022/A0024
APPELLANT	Gary Gordon	DEA	The Mournes
LOCATION	14 Church Road Kilkeel County Down		
PROPOSAL	Proposal for the erection of a shed for equestrian use and retention of extension to domestic curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	03/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	58		
Planning Ref:	LA07/2019/1084/	PAC Ref:	2022/A0028
APPELLANT	CP & A Supplies Ltd	DEA	Slieve Gullion
LOCATION	110m South West Of No. 1 Carrickcroppan Road Camlough BT35 7HA		
PROPOSAL	Extension to the existing commercial yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

326

ITEM NO	59	PAC Ref:	2022/A0029
Planning Ref:	LA07/2021/1982/	DEA	Slieve Croob
APPELLANT	Mr Trevor Nelson		
LOCATION	70m SE Of 5 Coach Lane Cottage Road Seaford		
PROPOSAL	New agricultural shed		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/05/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	60	PAC Ref:	2022/A0046
Planning Ref:	LA07/2021/1041/	DEA	Slieve Croob
APPELLANT	Mr & Mrs Anthony & Mary O'Prey		
LOCATION	To The Rear Of 9 Wateresk Road Dundrum		
PROPOSAL	Dwelling and detached garage with associated site works, including improvements to existing vehicular access		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/06/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

327

ITEM NO	61	PAC Ref:	2022/A0072
Planning Ref:	LA07/2021/2178/	DEA	Croilieve
APPELLANT	Ms Kerry Boyle		
LOCATION	3 Forest Hills Newry		
PROPOSAL	RT34 2F1		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/07/2022
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2021/A0046
Appeal by:	Brendan Ferris.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Retrospective change of use of agricultural building to gym.
Location:	110m southwest of 50 Crawfordstown Road, Downpatrick.
Planning Authority:	Comhairle Ceantair an Iúir, Mhúrn agus an Dúin. Newry, Mourne and Down District Council.
Application Reference:	LA07/2020/0115/F
Procedure:	Written representations and Commissioner's site visit on 25 th October 2022.
Decision by:	Commissioner Damien Hannon, dated 31 st October 2022.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues raised by this appeal are whether the proposed development is acceptable in principle in the countryside as well as its impact on rural character, residential amenity, and road safety.
3. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) is the statutory Local Development Plan relevant to the appeal proposal. The appeal site is designated in the plan as situated within the countryside. Otherwise, the plan contains no provisions relevant to the appeal proposal. Consequently, the relevant policy context is provided by the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS), Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 3 – Access, Movement and Parking (PPS 3 Revised) and Planning Policy Statement 4 – Planning and Economic Development (PPS 4). Guidance contained in the Development Control Advice Note 15 – Vehicular Access Standards (DCAN 15), issued by the Planning Service in August 1999, is also material to consideration of the appeal proposal.
4. The appeal site is part of a larger, active farm business and accommodates three buildings accessed via an approximately 0.5 km long laneway off the western side of Crawfordstown Road. Five other dwellings lying between No 50 and the Crawfordstown Road are served by the laneway. The three buildings on the appeal site are a detached dwelling (No. 50), an adjacent single storey detached outbuilding and the appeal building, a substantial, rectangular, steel framed shed. The detached outbuilding lies some 4.5m from the dwelling and measures 8m

- wide by 11m deep. While it was originally constructed and used as a garage, at the time of my site visit it was functioning as gymnasium, a use deemed lawful by grant of a Certificate of Lawfulness of existing Use or Development (CLEUD) on 22nd March 2021. The appeal building, a rectangular, steel framed, metal clad shed measuring 13.7 m wide, 24.5m long and 7m to ridge lies at the end of the 0.5 km long lane and some 110m to the southwest of No. 50. The shed was recently used as a gymnasium. On inspection however, although it housed a few items of equipment such as weights and racks, it was clear from its internal arrangement, content, and appearance, that the building was not currently being used as a commercial gymnasium.
5. Retrospective permission is sought for the retention of the use of the shed and adjacent hardstanding as a commercial gymnasium and the alteration of the access at the Crawfordstown Road junction. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered acceptable in the countryside. The appellant argued the proposal to qualify as acceptable under Policy CTY 1 as: -
 - The expansion of an established Economic Development Use in the Countryside in accordance with Policy PED 3 of PPS 4.
 - The conversion and reuse of an existing building in accordance with Policy CTY 4 of PPS 21.
 - A farm diversification proposal in accordance with Policy CTY 11 of PPS 21.
 6. For the purposes of PPS 4, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO). It is stated in PPS 4 that, except for a limited number of specific policy references, mainly relating to acceptable alternative uses, the PPS does not provide policy for other stated uses including leisure, which are dealt with in other policies. A gymnasium is a sui generis leisure use and is not defined in Part B of the UCO. It is therefore not an economic development use for the purposes of PPS 4. It is stated in PPS 4 that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses. However, as PPS 4 specifies that it does not provide leisure policy, the appeal proposal is not one of the 'other' sui generis employment uses that the PPS 4 policy approach would assist in assessing. I conclude therefore that the provisions of PPS 4 including Policy PED 3 are not material to consideration of the proposal and provide no support to it.
 7. Policy CTY 4 is entitled 'The conversion and reuse of existing buildings' and, as clarified by the SPPS, states that provision should be made for the sympathetic conversion and re-use of a suitable, locally important building of special character or interest for non-residential use, where this would secure its upkeep and retention. It adds the requirement that the nature and scale of the proposed non-residential use must be appropriate to its countryside location.
 8. The appellant stated that the shed enjoyed deemed planning consent by virtue of agricultural permitted development rights. At the time of construction therefore, the appellant deemed the building necessary for the purposes of agriculture. Aerial photographic evidence establishes that on 2nd May 2017, construction work at the appeal shed was ongoing, but no roof was in place. The aerial photograph taken

on 25th May 2018 shows the building to have a roof. A screenshot of a social media post dated 28 July 2018 shows that the shed was clearly not being used for agricultural purposes as internal partitioning and painting work was ongoing. The only period during which the shed could have been used for agricultural purposes was between sometime after 2nd May 2017 and sometime before 28 July 2018. Third parties referred to various social media posts and stated that the building was purpose built as a gym.

9. Evidence to support agricultural use of the shed is limited to two undated photographs, one showing a tractor and spreader parked in the building, the other showing a tractor and what appears to be an item of agricultural plant. Furthermore, while the appellant referred to changes in farm practices, no explanation of convincing detail was provided to explain why a building of some 338m² floorspace, which was required for agricultural purposes and whose construction involved considerable financial commitment, would have become redundant within such a short period.
10. Taking the presented evidence in the round and notwithstanding the fact that the Council registered the application as a conversion, I am persuaded that, on the balance of probabilities, the shed was constructed as one continuous building process resulting in the provision of a commercial gymnasium and that therefore no conversion took place.
11. A large area of hardstanding, capable of providing considerable ancillary parking, lies adjacent to the shed. The lane cannot accommodate two-way traffic for the majority of its length. However, if appropriate alterations to the access and laneway, that could be secured by condition, were provided, the additional vehicle movements generated could be accommodated without detriment to conditions of road safety. Also, the evidence, including that provided by the Council's Environmental Health Department, persuades me that, provided the hours of operation were restricted and soundproofing and other measures controlling volume levels from appliances were secured by condition, residents of properties along the lane would not be subject to unreasonable levels of noise disturbance from the proposed use of the shed.
12. There was conflicting evidence submitted regarding the number of vehicle trips the use would generate. The appellant referred to a figure of 20 movements per day whereas third parties reported between 50 and 100 vehicles visiting the site per day. Estimates of the number of people using the facility were also conflicting. Based on the evidence submitted including the available floorspace and my own observations, I conclude that if the facility was to operate close to capacity in terms of individual and group events, it would generate a considerable amount of additional vehicular movements along the lane and that on occasion more than 100 vehicles per day could visit the site.
13. The considerable additional vehicle movements generated along the narrow unsurfaced laneway would be apparent to residents along the lane. Furthermore, the restricted nature of the lane and the fact that two vehicles cannot pass along much of it would make such manoeuvres problematic leading to congestion and delay. I judge that this increased vehicular movement along a narrow rural laneway, sustained throughout the length of the day would give rise to levels of disturbance that would unduly affect the amenities of residents of the dwellings

along the laneway. Both the wider public and occupants of dwellings along the access lane would have limited visibility of the shed. Nonetheless, I conclude that the use, by virtue of the scale of the built development, both building and hardsurfacing, and the associated activity, mainly from private vehicle generation, would present as an incongruous, non-agricultural, commercial concern, detrimental to the rural character of the area. Furthermore, my own observations lead me to conclude that the appeal building is neither locally important nor of special character or interest and I have been given no evidence to establish the contrary. I consequently conclude that the proposal would not comply with Policy CTY 4 of PPS 21.

14. Policy CTY 11 of PPS 21 entitled 'Farm Diversification' requires proposals to comply with certain criteria including the following: -
 - (b) in terms of character and scale it is appropriate to its location.
 - (c) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.
15. Policy CTY 14 of PPS 21 embodies a rural character test similar to that of criterion (b) of Policy CTY 11 and states that permission will be granted for a building in the countryside where it does not erode the rural character of an area. I have already concluded that the proposal would not be appropriate to its countryside location and would have a detrimental impact on the amenity of occupants of nearby residential dwellings. Consequently, I further conclude that the proposal would fail both the character test inherent in both Policy CTY 14 and criterion (b) of Policy CTY 11, as well as the amenity test embodied in criterion (c) of Policy CTY 11.
16. I have concluded that the proposal attracts no support from Policy CTY 4 or Policies CTY 11 of PPS 21 or Policy PED 3 of PPS 4. I therefore judge that the proposal does not constitute development considered acceptable in principle in the countryside under Policy CTY 1, Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. I accept that a gym can bring health, wellbeing, and community cohesion benefits to a local rural community. However, the appeal site is located some 1.5 km from Drumaness and accommodates an essentially, although not exclusively, urban use. No persuasive case of overriding necessity has been advanced. Objection in principle is well founded and the Council's first reason for refusal based on Policy CTY 21 is sustained. Also sustained is the Council's second reason for refusal based on Policy CTY 4, insofar as it as it relates to issues of amenity and rural character. I have also concluded that the proposal conflicts with Policy and CTY 14 of PPS 21 and to this extent the Council's third reason for refusal is sustained.
17. Another key area of dispute was whether the proposal would prejudice road safety. It is proposed to create a new access layout at the laneway junction with the main road. Policy AMP 2 of PPS 3 is entitled 'Access to Public Roads' and states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. It adds that the acceptability of access arrangements will be assessed against relevant published guidance and that consideration will also be given to the character of existing development.

18. The proposed new access arrangements and visibility splays are of a design and specification that complies with relevant guidance and the statutory consultee raises no objection. Having considered the totality of evidence submitted in respect of this issue and having observed vehicle flow on both the existing lane and the main road, I conclude that, provided the proposed access arrangements were installed, the proposal would not prejudice road safety or significantly inconvenience the flow of traffic.
19. Paragraph 5.15 of Policy AMP 2 states that applicants will be expected to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. It adds that a condition will normally be imposed requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out. In this case the evidence establishes that the appellant is not in control over the required land and consequently I conclude there to be no certainty of their provision in the short to medium term, if ever. The parties recognise that the existing access arrangements are inadequate, and I conclude that the operation of the gymnasium, without required improvements, would be prejudicial to conditions of road safety. It would not be appropriate to impose a condition requiring works whose implementation cannot be definitely secured and, in this context, I conclude that the proposal would fail to comply with Policy AMP 2 and that objection on road safety grounds is sustained.
20. The reasons for refusal and third party objections, that I have found sustained, are determining in this case.

This decision is based on the following drawings: -

1:2500 scale Location map numbered 001Rev A received by the Commission on 14th July 2021

1:500 scale Block Plan numbered 002 received by the Council on 15th January 2020

1:100 scale Floor Plans and Elevations numbered 004 received by the Council on 15th January 2020

1:500 scale Proposed access sight lines alterations received by the Commission on 14th July 2021

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority:-	COU 1	Statement of Case
Appellant:-	APP 1	Statement of Case
Objectors	OBJ 1	Statement of Case
Planning Authority:-	COU 2	Rebuttal Statement
Appellant:-	APP 2	Rebuttal Statement
Objectors	OBJ 2	Rebuttal Statement



Appeal Decision

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Appeal Reference:	2021/A0109
Appeal by:	Mr Rhys Dowsall
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of mobile home on concrete hardstanding
Location:	5 Killowen Road, Rostrevor.
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2021/0473/F
Procedure:	Written representations and Commissioner's site visit on 14 th October 2022
Decision by:	Commissioner Kenneth Donaghey, dated 28 th October 2022.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have objected to the inclusion of matters within the appellants written evidence. The Council stated that these arguments are prejudicial and contravene Section 59 of the Planning Act (Northern Ireland) 2011. Section 59 of the Act states "*in an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council or, as the case may be, the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the Planning Appeals Commission:-*

(a) that the matter could not have been raised before that time, or

(b) that its not being raised before that time was a consequence of exceptional circumstance".

3. The Council allege that several points should not be included on the basis of Section 59 of the Act. These are summarised as: -
 - The inclusion of a Google Maps image allegedly showing several historic static caravans in the surrounding area;
 - The appellant's view that Policy CTY 9 of Planning Policy Statement 21 – Sustainable development in the Countryside should be afforded material weight; and
 - The inclusion of a planning history (LA07/2020/0011/F) which was not previously provided to the Council.
4. It is the Council's opinion that this information and related arguments could have been raised during the processing of the application and that no exceptional

circumstances have been provided why they were not. The points were raised by the appellant in his written statement of case. The Council's refusal reason relates to the character of the surrounding area and the materials and finishes which comprise this character. The appellant has provided a historic aerial image in order to argue that there were several mobile homes in the surrounding area. This is part of the appellant's argument in respect of the Council's refusal reason and is not a new matter which was not before the Council.

5. The Council have also objected to the appellant's opinion that PPS 21 is relevant to the appeal. The appeal proposal was not altered and remains as the Council assessed, similarly the suite of planning policy against which the Council could have assessed the proposal has not changed. Therefore, the argument that a different policy should be applied to the development is not a new matter which was not before Council at the time the decision was made.
6. Furthermore, the inclusion of planning history, which is public information that is a material consideration in any decision. The provision of planning history is helpful and is often commonplace in the consideration of any development proposal and within the appeal process. Just as the Council provided a list of relevant planning history within its written evidence, the appellant has cited examples of planning history which they consider to be relevant. The provision of planning history does not constitute a new matter which was not before Council at the time the decision was made. Therefore, considering the points made above, the appellant's arguments listed above are admissible in the consideration of this appeal. The points made within the appellant's statement of case shall form part of my consideration.

Reasons

7. The main issues in this appeal are the impact of the development on the residential character of the surrounding area and upon the rural character of the Mourne Area of Outstanding Natural Beauty (AONB).
8. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan 2015 (BNMP) acts as the LDP for this area as Newry, Mourne and Down District Council has not yet adopted a plan strategy for the district as a whole. The plan locates the appeal site within the small settlement of Killowen on unzoned white land. I also note that the site is within the Mourne AONB as indicated in the BNMP.
9. There is no conflict between the provisions of the Strategic Planning Policy Statement (SPPS) and the retained policies on the issues raised in the appeal. In accordance with the transitional arrangements set out in the SPPS, the appeal development should be determined in accordance with the retained policies namely Planning Policy Statement 2 – Natural Heritage (PPS2) and Planning Policy Statement 7 – Quality Residential Environments (PPS7).

10. The appeal proposal relates to development within the settlement of Killowen. Accordingly, the provisions of PPS21 as set out in Policy CTY9 for Residential Caravans and Mobile Homes are not applicable to this development. The relevant policy to consider the appeal development is contained within Policy QD1 of PPS 7 (Quality in New Residential Development).
11. The Council's concerns relate to criteria (a) and (g) of Policy QD1 of PPS 7. Criterion (a) advises that the development must respect 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. Criterion (g) requires that design of the development draws upon the best local traditions of form, materials and detailing.
12. The site sits between the Killowen Road and the shores of Carlingford Lough. It slopes gently down from road level to the lough shore. A 1.5 metre close board timber fence comprises the roadside boundary of the site. There are two derelict buildings to the roadside part of the site. The appellant stated that these were his former dwelling and outbuilding before they were badly damaged in a fire in 1999. The existing mobile home that is the subject of this appeal is set approximately 10 metres from the roadside on the southern part of the site. The mobile home sits on a small concrete area of hardstanding which is distinct from the larger area of crushed stone which makes up almost the entire site. The mobile home is orientated with its narrow gable end onto the road.
13. The surrounding area comprises several large detached dwellings. These are a mixture of single and two storey dwellings which are set on well-established mature plots. Whilst the southern end of Killowen, along the shore road, is higher density development, the plot sizes and spacing between the dwellings become more generous once one passes Killowen Outdoor Activity Centre to the south of the site. Many of the dwellings to the shore side of the road face out onto Carlingford Lough rather than the road itself. Some of the dwellings on the eastern side of the road sit on quite elevated sites as the landform then rises quite steeply from the road. There is no established building line with the road itself offering the only real structure to the streetscape. The actual pattern of development has no overall uniform or established pattern of built form in terms of layout with the orientation of properties tending to maximise views of Carlingford Lough rather than address any established streetscape along the road. The arrangement and position of the appeal development does not of itself have any significant impact on the character of the area.
14. The appellant has provided an undated Google Earth map which he states is from 2008. He argues that this image demonstrates the historic presence of several static caravans and prefabricated holiday homes within the local vicinity. The appellant identified five other similar properties, of which four have now been removed or upgraded to permanent structures. The one which remains is located at 19 Killowen Road. No reference to the planning history of the structure at 19 Killowen Road has been made by either the appellant or the Council. The Google Earth image is of limited assistance in the assessment of the local character as it is difficult to ascertain if the properties identified are mobile homes. Notwithstanding, the historic presence of mobile homes does not assist in assessing the impact of the appeal development on the character of the surrounding area as it is found now.

15. The Council have stated that the site is visible along Killowen Road and from the shore to the west of the site. The views of the site from the Killowen Road are quite short range in either direction with existing features and roadside boundaries screening most views of the site until around 20 metres from the site entrance in either direction. Travelling southwards, the existing derelict dwelling at the site screens any views of the caravan until the access point, upon which it is only visible for the width of the access itself. Travelling northward, there are oblique views of the caravan from the entrance to the neighbouring dwelling to the south for a distance of around 15 metres.
16. The Council have not provided any explanation why views from the shore side of Carlingford Lough should be considered as a public vantage point. There is no pathway along this stretch of shore, nor have I been informed of any existing right of way. I do not consider any view of the development from the shore of Carlingford Lough to be of critical importance. No reference has been made to views of the development from the Lough itself.
17. The static caravan on site resembles a typical mobile home structure, it is approximately 3 metres in height with a pitched roof. It has a linear form and has a small floor area of approximately 40m² and sits on a concrete hardstanding approximately 0.5 metres above the ground level. It is finished in white uPVC cladding with brown coloured uPVC window frames. The surrounding area is characterised by permanent dwellings of a reasonably substantial scale and massing set with a variety of plot sizes. The plot of the existing site remains a size which does not conflict with the existing character. However, the form and nature of the building itself is not typical in the context of the surrounding buildings. Whilst the structure itself is not unduly prominent, the temporary nature of the structure along with the materials used are out of keeping with the existing character of the surrounding residential area which is almost entirely made up of brick built permanent dwellings. Its diminutive scale in comparison to its plot and surrounding residential properties reinforces the view that the structure itself is out of keeping with the surrounding context. Views of the site are from a short distance. However, this does not set aside the fact that the style and appearance of the caravan is not in keeping with the existing residential character and fails to respect the surrounding context. The appeal development is therefore inappropriate to the character of the site. The form, materials and detailing used in the construction of the caravan are of a temporary nature and are not designed drawing on the best local traditions. Therefore, I consider that the proposal does not comply with Policy QD1 of PPS 7.
18. The Council's second reason for refusal deals with design within the AONB and refers to Policy NH6 of PPS2. The refusal reason cites criterion (c) of this policy and states that that the proposal does not respect local architectural styles and patterns. This test is much wider than that set within PPS 7 in that it refers to the context of the AONB. The AONB comprises a coastal area upon which static caravans are not uncommon. The local architectural styles and patterns within the AONB are varied enough that there is considerable latitude around what may be acceptable, especially within a settlement. Whilst I have found the proposal to be unacceptable in the context of PPS 7, this requires examination of the local residential area, its character and context. In the context of the wider AONB I do not consider that a mobile home, of itself, at this site causes demonstrable harm to

the special character or appearance of the AONB. As such the Council's second reason for refusal is not sustained.

19. The appellant has provided an argument based on personal domestic circumstances. Whilst this has been provided under the argument pertaining to Policy CTY 9 of PPS 21 which I have noted not to be the determining policy for the appeal development, such personal and domestic circumstances are before me and are a material consideration in the consideration of this appeal. The appellant has stated that the derelict dwelling on site was once their family home. The appellant goes on to state that it was destroyed by fire in 1999 which resulted in the death of a close family member. The appellant advised that due to the trauma of this event they found it difficult to visit the damaged property until recently. Now the appellant wishes to inhabit the site on a seasonal basis with a view to potentially rebuilding the dwelling. There is no current live planning approval for the replacement of the damaged dwelling. The dwelling on site is vacant and in a poor state of repair. It has not been inhabited for a significant period of time.
20. The appellant has expressed a desire to inhabit the site even after a tragic event which occurred there. However, I have considered above that the impact which the temporary structure would have on the character of the area would be significant. I am cognisant of the appellants circumstances. There are other avenues available to the appellant if he wishes to reside at the site such as the replacement of the existing dwelling on site. Having considered the appellant's personal circumstances I am not persuaded that the retention of the mobile home is a reasonable response that should override the policy concerns noted above in respect of Policy QD1 of PPS 7.
21. The appellant also referred to Part 5 (Temporary Buildings and Uses) of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO). The appellant has not provided any analysis of how this proposal would comply with the provisions of this part of the GPDO. This is an appeal for full permission. Such matters should therefore be considered with the submission of a Lawful Development Certificate and are not subject to this appeal.
22. The appellant has provided an accompanying planning decision which was made in the Ards and North Down Borough Council area (LA06/2020/0011/F). This approval relates to a temporary caravan in a rear garden whilst the principal dwelling was under renovation. No record of any permission for works to the derelict dwelling on the appeal site has been provided by the appellant. Therefore, the example approval provided is not comparable to the appeal development. It does not, of itself, provide justification to override the policy concerns in respect of the appeal development.
23. I have considered above that the development does not respect the surrounding context and is inappropriate to the character and topography of the site. Furthermore, the design of the development does not draw upon the best local traditions of form, materials and detailing and is contrary to Policy QD1 of PPS 7. The development therefore has a significant impact upon the residential character of the surrounding local area. As such the Council's first refusal reason is sustained and the appeal is dismissed.

This decision is based on the following drawings: -

Drawing No	Type	Scale	Date received
L01	Site location plan	1:1250	10 th March 2021
RS02	Site plan	1:500	10 th March 2021
RS03	Elevations	1:50	10 th March 2021

COMMISSIONER KENNETH DONAGHEY

List of Documents

Planning Authority:- PA1 – Written statement of case
PA2 – Rebuttal statement

Appellant:- APP1 – Written statement of case and appendices



Appeal Decision

Park House
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Appeal Reference:	2021/A0120
Appeal by:	Mr Brian McCallister
Appeal against:	The refusal of full planning permission
Proposed Development:	Extension to curtilage of dwelling to provide additional access to rear of dwelling, double garage/garden store with games room over
Location:	70 Old Belfast Road, Saintfield
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2021/0762/F
Procedure:	Written representations and Commissioner's site visit on 10 th October 2022
Decision by:	Commissioner Gareth Kerr, dated 27 th October 2022

Decision

1. The appeal is allowed and full planning permission is granted.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether the access integrates and is in character with its surroundings.
3. The Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for this area. In it, the site is located in the countryside. The ADAP contains no specific policies that are pertinent to the determination of the appeal.
4. The appeal site is located approximately 1 mile north west of Saintfield in a rural drumlin landscape interspersed with detached dwellings. The site comprises the curtilage of a dwelling at 70 Old Belfast Road and an additional strip of land to the north where a new access has been created. The appeal seeks retrospective planning permission for the laneway and permission for the erection of a double garage and garden store with a games room above. The proposed garage would sit adjacent to an existing detached garage and its concrete sub-floor has already been installed. Just under half of the building would sit within the established curtilage of the dwelling with the remainder in the area of extended curtilage to the north where the new lane begins. Its footprint would measure 10.8m by 7.8m and the ridge would

be 6.2m above floor level. The walls would be smooth rendered and painted and the roof would have blue/black slates or tiles.

5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing Planning Policy Statements including Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21) and the Addendum to PPS 7 – Residential Extensions and Alterations (APPS 7) which are of relevance in the appeal. The SPPS is no more prescriptive than the retained policies on the issues raised in this appeal and thus the retained policies take precedence in decision making in accordance with the transitional arrangements outlined in the SPPS.
6. The appeal before me relates to the erection of a domestic garage / games room and creation of a new access. Policy CTY1 of PPS 21 states that there are 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. These include an extension to a dwelling house where this is in accordance with the APPS 7. The Council has not acknowledged this exception in its evidence and has not engaged with the provisions of APPS 7 as much of the proposal is outside of the established curtilage of the dwelling. However, the preamble to APPS 7 states that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under the provisions of this Addendum. I consider that the proposal, which is partly within the established curtilage, is domestic in nature and for this reason the correct policy context to consider it under is the provisions of APPS 7.
7. Policy EXT1 of APPS 7 states that planning permission will be granted for a proposal to extend or alter a residential property where four criteria are met. These relate to the scale, design and appearance of the proposal, the privacy and amenity of neighbours, impacts on trees and landscape features, and leaving sufficient space for recreational and domestic purposes including the parking and manoeuvring of vehicles. Although the Council have assessed the proposal under policies CTY13 and CTY14 of PPS 21, criterion (a) of Policy EXT1 addresses the same issues for domestic extensions and the concerns they have raised can be assessed under Policy EXT1.
8. The dwelling sits below road level in a well landscaped site. The main entrance to the dwelling is at a crest in the Old Belfast Road and the land falls away from this point to the north, south and west. The walls of the house are clad with stone and the roof is slated. The property has an integral double garage and a smaller detached garage. The new access lane to the north is L-shaped and runs parallel to the north western site boundary and then parallel to the road. The lane is bound to the north by an earth bund with a hawthorn hedge on top and to the west by semi-mature tree planting up to 5m in height. It is separated from the road by a 2m trimmed hedge and from the original curtilage to the south by taller trees up to 10m in height. The lane terminates at a double agricultural gate at the bottom of the hill on Old Belfast Road.
9. The appellant states that he intends to convert the integral double garage into a new kitchen and that the existing detached garage is too small. He has recently

- purchased a vintage tractor, link box and flail mower to maintain the land around his dwelling and he requires the additional garage to park this machinery to protect it from the weather. I noted at my site visit that the vintage tractor was parked on the base of the proposed garage under a temporary tarpaulin, that the detached garage was well utilised for storage of coal and logs for winter fuel and that the integral garage was also well filled with domestic items. There would be a significant loss of storage space if it was converted to a kitchen and there did not appear to be anywhere to store the abovementioned machinery.
10. I note the Council's acknowledgement that the proposed garage would be fairly well screened by the vegetation surrounding the dwelling and would not be considered highly visible in views from Old Belfast Road. The Council argue that the garage could be built at other locations within the original curtilage. However, most of the curtilage is forward of the building line of the house where any new building would be more prominent in public views. The land towards the southern end of the site is also sloped which would necessitate additional underbuilding and could make vehicular access more difficult. A building in this area would also appear more prominent on approach from the south.
 11. The proposed garage would be barely visible from the road due to the existing buildings and vegetation and the additional screening provided by the earth bund and planting along the new access to the north. I consider that the proposed location groups best with the existing buildings on the site, is relatively flat and is the best screened area. To my mind, these factors outweigh any harm that results from the building extending slightly beyond the original curtilage. I consider that the siting and design of the building are acceptable and that it will not result in any harm to residential amenity, so the erection of the garage would accord with Policy EXT1. As a domestic alteration in accordance with APPS 7, the proposed garage would fall within one of the exceptions set out in Policy CTY1 and is therefore acceptable in principle in the countryside. The Council has not sustained its first reason for refusal based on Policy CTY1.
 12. The Council's second refusal reason states that the new access is unduly prominent in the landscape and there is no suitable degree of enclosure for it to integrate into the landscape, contrary to policies CTY13 and CTY14 of PPS 21. Both of the above policies relate primarily to buildings in the countryside (my emphasis). Policy CTY13 is entitled 'Integration and Design of Buildings in the Countryside and 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. One of the criteria for when a new building will be unacceptable is where ancillary works do not integrate with their surroundings. Ancillary works can include new accesses and therefore the policy is relevant to this aspect of the appeal proposal despite its primary concern being with the integration of buildings.
 13. Policy CTY14 – Rural Character – also focuses on buildings, stating that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It goes on to state that a new building will be unacceptable where the impact of ancillary works would damage rural character. Therefore, it is also of relevance in the appeal.

14. The appellant states that the access lane was provided to allow his machinery to access the new garage without having to enter the grounds of his dwelling and cause damage to the existing driveway or bring unwanted dirt and mess close to the dwelling house. During my site visit, I observed cracks in the existing driveway and I concur that it would not be the most suitable route for agricultural machinery.
15. The appellant achieved consent for the new double gated access point from the Department for Infrastructure under Article 80 of the Roads (Northern Ireland) Order 1993 in August 2020. Conditions attached to this consent specified the width and position of the access, so the Council's concerns regarding its width cannot be sustained. In any case, double agricultural gates are now becoming more common in the countryside to facilitate larger farm machinery and I do not consider that the width of the entrance is unacceptable in its context. The Article 80 consent means that the gateway is lawful as an access to the appellant's agricultural land. The matter before me is the laneway connecting the gates from Old Belfast Road to the new garage.
16. Paragraph 5.72 of the Justification and Amplification to Policy CTY13 states that wherever possible, access to a new building should be taken from an existing laneway. Where a new access drive is required, it should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and accompanied by landscaping measures. Access driveways should respect site contours and cross them gently, thus integrating the building with its entrance and site. Sweeping driveways which create a suburban emphasis and access arrangements, will not be acceptable. Paragraph 5.82 of the Justification and Amplification to Policy CTY14 states that access arrangements can often raise awareness of and draw attention to new development.
17. As I consider that the existing driveway is not suitable for the appellant's machinery, a new laneway is necessary. The lane has been designed to gently cross the contours and run alongside two existing hedgerows which provide considerable screening. New landscaping in the form of the earth bund and hedge and significant tree planting have been undertaken to further aid integration. It appears as a typical rural laneway, bound by hedges, and does not read as a sweeping driveway. Indeed, the screening around the dwelling is so effective that the laneway does not read with the buildings and there is no sense that it is domestic in nature. The laneway does not draw attention to either the existing development or the proposed garage. It does not result in detriment to the open countryside.
18. It is difficult to perceive the laneway when travelling north along Old Belfast Road due to the screening around the dwelling and the 2m high hedge between the road and the access. The Council argues that the new access is open and exposed when travelling south up the hill. However, when travelling along the road in this direction, I found that the laneway was only apparent for a short distance approaching the entrance. On longer approach, views of it are prevented by an overhanging tree and once past the entrance, the thick roadside hedge prevents any perception of the laneway.
19. The Council argued that the use of light grey gravel made the laneway highly visible. However, this type of less formal solution accords with paragraph 5.73 of PPS 21 which warns against the use of tarmacadam and concrete kerbing which can look

out of place. The laneway appears like many other rural agricultural lanes and blends well with its verdant surroundings. The Council's concerns that the laneway is unduly prominent in the landscape and has no suitable degree of enclosure are in fact tests for buildings in the countryside. The tests for ancillary works are simply whether they integrate with their surroundings and whether they would damage rural character. I am satisfied that the laneway has been designed in accordance with the relevant guidance and will integrate sufficiently because of its route alongside original hedges and the new landscaping that has been undertaken. Its appearance is typical of rural laneways and does not damage rural character. The laneway therefore complies with policies CTY13 and CTY14 and the Council has not sustained its second reason for refusal.

20. As the laneway is already in place and construction of the proposed garage has commenced, it is not necessary to impose a time limit for commencement of development. As neither of the Council's reasons for refusal have been sustained, the appeal succeeds and full planning permission is granted unconditionally.

This decision approves the following drawings:-

Drawing No.	Title	Scale	Received by Council
A001	Site Location Map	1:2500	01 July 2021
A002	Site Layout	1:500	01 July 2021
A002A	Site Layout (with laneway)	1:500	01 July 2021
A103	Garage Plans and Elevations	1:100	23 April 2021

COMMISSIONER GARETH KERR

List of Documents

- Planning Authority:-
- A Statement of Case
Newry, Mourne and Down District Council
- Appellant:-
- B Statement of Case
Tumelty Planning Services
 - C Rebuttal Statement
Tumelty Planning Services