

June 24th, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 1st July 2026** at **11:00 am** in **Mourne Room, Downshire Civic Centre.**

Committee Membership 2026-27

Councillor M Larkin **Chairperson**

Councillor M Rice **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor V Harte

Councillor O Magennis

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

Councillor H Reilly

Councillor J Tinnelly

Councillor H Young

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

4.0 Minutes of Planning Committee Meeting held 27 May 2026

Attachment: Planning Committee Minutes 2026-05-27.pdf

Page 1

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

Attachment: Addendum list - 01-07-2026.pdf

Page 17

Development Management - Planning Applications for determination

6.0 LA07/2022/1521/F - Lands at 8 Corcreechy Road Newry - Erection of new commercial store with packing lines and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; partial retention of extended yard area with the relocation of fireworks storage containers and associated landscaping and ancillary siteworks to include the permanent closure of the existing access point onto the Lisserboy Road (reduced scheme). Amended description) (Amended Plans and Site Address)

APPROVAL

On agenda as a result of the Operating Protocol

Attachment: LA07-2022-1521-F.pdf

Page 18

Attachment: LA07-2022-1521-F - Addendum Report.pdf

Page 41

7.0 LA07/2023/3213/O - Land immediately northwest of 12 Middle Tollymore Road, Newcastle, Down, BT33 0JJ - Proposed demolition of existing dwelling and construction of 2no detached dwellings (Amended Proposal Description)

APPROVAL

On agenda as a result of the Operating Protocol

Attachment: LA07-2023-3213-O.pdf

Page 58

8.0 LA07/2021/0809/F - Land at 189-197 Main Street Dundrum - Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works

APPROVAL

On agenda as a result of the Operating Protocol.

Attachment: LA07-2021-0809-F.pdf

Page 76

Attachment: LA07-2021-0809-F Addendum Report.pdf

Page 100

9.0 LA07/2023/2910/F - 1 The Square, Annalong, Newry, BT34 4TS - Proposed Change of an Existing Chemist to a Butchers Shop (non class change) with internal alterations. Change of First Floor 4 Bedroom Apartment into a 2 No 1 Bedroom Apartments and associated works. (Amended Description)

For Decision

REFUSAL

On agenda as a result of the Call-In Process

Speaking rights have been requested in objection to the application by NI Water representatives.

Speaking rights have been requested in support of the application by Mr Brendan Starkey.

Attachment: LA07-2023-2910.pdf

Page 113

Attachment: 9. LA07-2023-2910-F - in support.pdf

Page 125

10.0 LA07/2025/1106/F - Site between 27 Beechmount Park and 2 Elmwood Park facing onto Rathfriland Road, Newry, BT34 1LA - 1 dwelling to be built on site

For Decision

REFUSAL

On agenda as a result of the Call-In Process

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Mr Colin Dalton and Mr Malachy McCourt

11.0 LA07/2023/2585/F - Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle - Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.

REFUSAL

On agenda as a result of the Call In Process.

Previously tabled in January 2026

Speaking rights have been requested in objection to the application by Mr Barry Hillen.

Speaking rights have been requested in support of the application by Ms Donna Lyle and Mr Brian Madden

Attachment: LA07-2023-2585-F - Case Officer Report.pdf

Page 145

Attachment: LA07-2023-2585-F - Addendum Report 1.pdf

Page 173

Attachment: LA07-2023-2585-F - Addendum Report 2.pdf

Page 182

Attachment: 11. LA07-2023-2585-F - in objection.pdf

Page 191

Attachment: 11. LA07-2023-2585-F - in support.pdf

Page 193

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

12.0 Quarterly Planning Enforcement Update

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

Attachment: Planning Enforcement Update Planning Committee July 2026.pdf

Not included

For Noting

13.0 LDP Progress Report

Attachment: PC Report - LDP Progress July 2026 Update.pdf

Page 195

14.0 Notification of Withdrawal of Planning Application

Attachment: Notification of withdrawal of planning application.pdf

Page 198

15.0 Heritage at Risk Northern Ireland (HARNI) Register – Update 2025-2026

Attachment: PC Report - Heritage at Risk Register 2025-26 Update.pdf

Page 199

16.0 Historic Action Sheet

Attachment: Planning Historic Tracking Sheet - 27-05-2026.pdf

Page 204

Invitees

- Cllr Terry Andrews
- Cllr Callum Bowsie
- Fionnuala Branagh
- Cllr Jim Brennan
- Cllr Pete Byrne
- Cllr Philip Campbell
- Cllr William Clarke
- Cllr Laura Devlin
- Cllr Cadogan Enright
- Cllr Killian Feehan
- Cllr Doire Finn
- Ms Joanne Fleming
- Cllr Conor Galbraith
- Cllr Mark Gibbons
- Cllr Oonagh Hanlon
- Cllr Glyn Hanna
- Cllr Valerie Harte
- Cllr Martin Hearty
- Cllr Roisin Howell
- Cllr Tierna Howie
- Cllr Jonathan Jackson
- Mrs Lois Jackson
- Cllr Geraldine Kearns
- Miss Veronica Keegan
- Cllr Aurla King
- Cllr Cathal King
- Ms Elaine Kirk
- Cllr Mickey Larkin
- Cllr Niall Lawlor
- Cllr David Lee-Surginor
- Cllr Alan Lewis
- Mrs Annamarie Loughan
- Cllr Oonagh Magennis
- Mr Conor Mallon
- Mrs Patricia Manley
- Cllr Aidan Mathers
- Mrs Annette McAlarney
- Cllr Declan McAteer
- Jonathan McGilly
- Michael McQuiston
- Cllr Selina Murphy
- Cllr Declan Murphy

Cllr Kate Murphy
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Ms Patricia Murtagh
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Cllr Siobhan O'Hare
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Ms Maria Rogan
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Mr Peter Rooney
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Mr Pat Rooney
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Cllr Michael Ruane
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Conor Smyth
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Donna Starkey
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Sarah Taggart
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Cllr David Taylor
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Mr David Telford
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
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Mrs Marie Ward
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Cllr Helena Young
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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 27 May 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber: Councillor L Devlin Councillor G Hanna
Councillor D McAteer Councillor D Murphy
Councillor S Murphy

Committee Members in attendance on Teams: Councillor C Enright Councillor M Rice

Officials in attendance: Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director: Regeneration
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Ms A Loughan, Senior Planning Officer
Ms E Kirk, Assistant Director: Legal & People
Mr Peter Rooney, Head of Legal Administration
Ms S Taggart, Democratic Services Manager
Mr C Smyth, Democratic Services Officer

Officials in attendance On Teams: Mr P Rooney, Principal Planner

P/034/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors C King, Quinn and Tinnelly.

P/035/2026: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/036/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

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

MINUTES FOR CONFIRMATION**P/037/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 22 APRIL 2026**

Read: Minutes of Planning Committee Meeting of Wednesday 22 April 2026.
(Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor S Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 22 April 2026 as a true and accurate record.

FOR DISCUSSION/DECISION**P/038/2026: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 27 May 2026.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 27 May 2026:

- **LA07/2024/0568/F** - 46 Monaghan Street, Newry, BT35 6AA - Mixed use development to include 1 retail unit and 9 x 2 bedroom apartments
APPROVAL
- **LA07/2024/0563/F** - 30m South East of 22 Rossglass Road South, Killough, Downpatrick, BT30 7RA - Conversion and extension of existing vernacular structure to form a residential dwelling
APPROVAL
- **LA07/2025/0035/F** - 50 Meters South-East of 24 Windsor Hill, Newry City, County Down, Northern Ireland, BT34 1ER, Proposed Full Planning Application for the Erection 1 No. Detached Dwelling House, 1 No. Detached Domestic Garage, Site Access, Associated Car Parking, Ancillary Site Works and Associated Landscaping
APPROVAL
- **LA07/2023/2991/DCA** - Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. • The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Holywood Arts Centre as proposed by Newry, Mourne and Down District Council under application LA07/2023/2193/F)

and

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

CONSENT / APPROVAL

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

APPROVAL

DEVELOPMENT MANAGEMENT

P/039/2026: PLANNING APPLICATIONS FOR DETERMINATION WITH PREVIOUS SITE VISITS

Cllrs Quinn and Clarke joined the meeting for the below discussion – 10.35am.

Following a query from Councillor Devlin, she declared an interest in the following item and left the meeting at this stage - 10.35am.

(1) LA07/2024/0462/O

On agenda as a result of the Call in Process. Previously tabled in February 2026.

Location:

Adj to and 20m NE of 137 Tullybrannigan Road, Newcastle

Proposal:

Infill Dwelling and Garage

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Councillors Clarke and Quinn left the meeting at this stage – 10.56am

Councillor Devlin rejoined the meeting at this point – 10.58am.

P/040/2026: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/2230/O

On agenda as a result of the Call in Process. Previously tabled in October 2025.

Location:

55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU

Proposal:

Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson confirmed that the application sought outline planning permission for a replacement dwelling, with retention of the original dwelling for storage and associated site works at a site 55m east of 29 Clonvaraghan Road. She advised that the application had previously been presented to Committee on 15 October 2025 and had been deferred to allow for the submission of a Listed Building Consent (LBC) application. She noted that the site was located in the countryside, south-east of Clonvaraghan, within the Mourne Area of Outstanding Natural Beauty (AONB).

Mrs Ferguson confirmed that an LBC application (LA07/2025/1562/LBC) had since been submitted for works to the gate lodge, a curtilage structure of Ballywillwill House protected under Section 80 of the Planning Act (Northern Ireland) 2011.

She advised that, while the proposed works under the LBC were considered acceptable, this did not establish the principle of replacement under Policy CTY 3. The submitted refurbishment proposals demonstrated that the building was suitable for conversion, which could be considered under Policy BH 8 without the need for replacement or departure from the established curtilage. She further stated that the agent's claim of "planning gain" had been afforded no weight, and that Historic Environment Division support for refurbishment reinforced the potential for conversion and extension rather than replacement.

Mrs Ferguson stated that the proposal engaged SPPS and Policy CTY 3 of PPS 21. She advised that the LBC supported the case for sympathetic refurbishment rather than replacement. As Policy CTY 3 only permitted the replacement of a listed building in exceptional circumstances, and none had been demonstrated, the proposal was considered unacceptable. She added that approval would set an undesirable precedent and refusal was recommended.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application. He advised that the proposal had previously been considered by the Committee in October 2025 and had been deferred to allow for the submission of Listed Building Consent, which had since been approved, although Planning Officers had maintained concerns regarding the replacement of the listed building despite ongoing support from HED.

He argued that the key issue related to the interpretation of Policy CTY3, noting the presumption in favour of retaining listed buildings. He stated that the policy primarily required retention of the structure, with the exceptional circumstances test only applying where demolition was proposed. In this case, he highlighted that the building was to be retained in situ as part of the development and therefore considered the intent of the policy to have been met. He further noted that the policy did not require the building to remain as the principal dwelling or prevent its use as an ancillary structure.

Mr Rooney emphasised that HED, as the statutory consultee, had consistently supported the proposal and that this was a material consideration which should be afforded significant weight.

In response to the addendum report, he stated that reliance on the Listed Building Consent to support a conversion and extension approach was misplaced, as the consent related only to refurbishment and repair works within the existing footprint and did not include any extension proposals or commentary from HED on such works.

He further contended that, even if the exceptional circumstances test were applied, it had been satisfied through the retention and long-term preservation of the building, avoiding the need for significant alterations or extensions that would be impractical for modern family living. He referred to a comparable case in Killinchy, which he considered demonstrated that such an approach was not without precedent.

In conclusion, he stated that the replacement dwelling had been sensitively sited to integrate with the landscape, retain existing features and avoid ribbon development. He considered the proposal complied with Policy CTY3, PPS21, PPS6 and the SPPS, and requested that Members afford significant weight to the retention of the listed building and HED's support and overturn the Officers' recommendation.

In response to a question from Councillor McAteer, Mr Rooney confirmed that the proposal had included the repair and refurbishment of the old gatehouse for use as domestic storage.

In response to a further question regarding the condition of the existing building and the proximity of the proposed new dwelling, Mrs Ferguson advised that policy relating to listed buildings prohibited their replacement except in exceptional circumstances. She stated that relevant policies, including PPS 6, supported the retention, refurbishment and potential extension of listed buildings, and encouraged their preservation in their original form. She further advised that Policy CTY3 clearly restricted the replacement of listed dwellings to exceptional cases only.

Councillor McAteer disagreed with this interpretation. Mrs Ferguson reiterated that this was a matter of planning judgement, confirmed that no exceptional circumstances had been demonstrated, and advised that the existing building could have been restored without the need for a replacement dwelling.

On agenda as a result of the Call in Process.

Location:

To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW

Proposal:

Site for dwelling and carport

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan outlined that the application sought outline planning permission for a single dwelling to the rear of 8 Hospital Road, Carnagat, Newry. She confirmed that the case officer's report had been taken as read, no representations had been received, and consultees had raised no objections. She advised that the site was located within the settlement limits of Newry, as designated in the Banbridge, Newry and Mourne Area Plan 2015, and that the application had been assessed against the SPPS, Policy QD1 of PPS 7, Policy LC1 of the PPS 7 Addendum, and PPS 6.

Mrs Loughan stated that indicative drawings demonstrated that the proposed dwelling would occupy a prominent, elevated position overlooking adjacent properties, including Nos. 8 and 10 Hospital Road, and would require significant groundworks and retaining structures.

She advised that the proposal was considered out of keeping with the established pattern of development along Hospital Road, and that the siting, extent of land reshaping, and prominent retaining features would be visually intrusive and detrimental to the character and environmental quality of the area. She concluded that the proposal failed to comply with Policies QD1 and LC1 of PPS 7 and that the application was recommended for refusal.

Speaking rights:In Support:

Mr Colin O'Callaghan spoke in support of the application and advised that the site lay within the settlement limit for Newry, where there had been a presumption in favour of residential development, provided there was no demonstrable harm to local character, environmental quality, or neighbouring amenity. He contended that the proposal had complied with these requirements.

He stated that the site was located within a built-up urban area, was not within a conservation area or an area of special townscape character, and there were no listed buildings in the immediate vicinity. He advised that the site boundaries had been established and that existing vegetation would be retained. He further noted that policy supported increased urban density in accessible locations close to city centres.

Mr O'Callaghan advised that, although the land rose to the rear, the site was positioned below an existing multi-storey apartment development and would be viewed against a backdrop of mature vegetation, thereby limiting its prominence. He added that the size of the site would allow a dwelling to be positioned to avoid overlooking No. 8 Hospital Road.

He emphasised that the application was in outline form, with siting, design, access and landscaping reserved for future consideration, and the applicant remained flexible in this

Location:

Adjacent to and south of 12 Belmont Crescent, Forkhill Road, Mullaghbawn, BT35 9RB

Proposal:

Off-site replacement dwelling and detached garage to include the retention and preservation of the existing building to be used for ancillary storage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan advised that the application sought outline planning permission for an off-site replacement dwelling and detached garage, including retention of the existing building for ancillary storage. She confirmed that no representations had been received, and consultees had raised no objections.

She noted that the site was located within the countryside, as designated in the Banbridge, Newry and Mourne Area Plan 2015, and that the application had been assessed against the SPPS and Policies CTY 1, CTY 3, CTY 8, CTY 13, CTY 14, CTY 15 and CTY 16 of PPS 21, with retained policies NH2, NH5 and AMP2 also applicable.

Mrs Loughan stated that, whilst the existing building was considered capable of replacement under Policy CTY 3, the proposed off-site location was not justified. She advised that it had not been demonstrated why the replacement dwelling could not be accommodated within or adjacent to the established curtilage, particularly given the applicant's ownership of surrounding lands.

She further noted that the proposal would introduce a new access and result in a dwelling visually linked to existing road frontage development, thereby contributing to ribbon development along Forkhill Road, contrary to Policy CTY 8.

She advised that, although the proposal would not be unduly prominent in isolation, it would contribute to a suburban form of development, eroding the distinction between the rural area and the adjacent settlement limits, resulting in urban sprawl contrary to Policies CTY 14 and CTY 15.

Mrs Loughan concluded that the proposal failed to comply with the SPPS and Policies CTY 1, CTY 3, CTY 8, CTY 14 and CTY 15 of PPS 21, and was recommended for refusal.

Speaking rights:In Support:

Mr Barney Dinsmore spoke in support of the application. He stated that the Planning Department had accepted the principle of development and that the dwelling to be replaced, formerly a gate lodge, exhibited the characteristics of a non-listed vernacular building. He advised that, under Policy CTY 3, the scale, design, services and access arrangements had been considered acceptable, with the principal concern relating to the separation distance between the existing and proposed dwellings.

He advised that the existing dwelling would have been demolished and that issues of sympathetic incorporation did not arise. He acknowledged that Historic Environment Division

had expressed a preference for the retention and reuse of the building, potentially as an outbuilding or for non-residential use, and noted that the applicant also wished to retain it. He added that, given the off-site nature of the proposal, sympathetic incorporation had not been practical.

Mr Dinsmore stated that the proposed site had been selected to avoid backland development and utilised an existing access. He advised that no access had been available adjacent to the existing dwelling due to historic road realignment and that proposed boundary treatments would have been landscaped. He contended that the proposal had complied with Policy CTY 3. He further argued that the proposal satisfied Policy CTY 8, would not contribute to ribbon development, would not erode rural character, and that Policy CTY 14 had not been offended.

In respect of Policy CTY 15, he stated that the proposal represented a form of rounding off and consolidation in proximity to Mullaghbawn, consistent with the aims of the SPPS. He referred to previous similar approvals and contended that the proposal would not result in urban sprawl.

Referring to the site plan, Mr Dinsmore advised that the proposed location had been selected as it provided the only available access. He concluded that the proposal satisfied policy requirements and addressed the reasons for refusal, and requested that the Committee overturn the recommendation and grant approval.

In response to questions from Members, Mr Dinsmore confirmed that the proposed access had been the only available means of entry to the site and advised that alternative siting adjacent to the existing building had not been pursued due to the absence of access, insufficient site area and concerns regarding backland development.

Councillor McAteer noted that the officer's report had identified scope for development adjacent to the existing dwelling and sought clarification regarding access. Mrs Loughan advised that access had been available, potentially via adjoining lands, and that alternative access arrangements could have been achieved, including along existing boundary lines. She further advised that the proposed dwelling had been located approximately 140 metres from the existing building, had not formed part of the established curtilage, and that alternative siting options had not been fully explored despite the applicant's land ownership.

Mr Dinsmore reiterated that no alternative access had been available and maintained that the proposed siting had been the most appropriate. He added that retention of the existing structure had been desirable due to its cultural and historical value, as recognised by Historic Environment Division, and that alternative siting would have required an extended access lane, which would not normally have been supported by the Planning Department.

Councillor McAteer asked if consideration had been given to improving the existing dwelling, and Mr Dinsmore confirmed this was the case.

Councillor Larkin proposed that the Committee overturn the officer's recommendation and grant approval, stating that he considered the proposal to represent a replacement opportunity. He noted that Historic Environment Division had been content with retention of the structure and considered that the proposal did not conflict with Policies CTY 8 and CTY 10, having regard to the level of existing vegetation.

The proposal was seconded by Councillor Hanna, who concurred with Councillor Larkin and stated that he did not consider the development to constitute ribbon development.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2024/0050/F contrary to officer recommendation as contained in the Case Officer Report.**

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

(4) LA07/2024/0097/F

On agenda as a result of the Call in Process.

Location:

70m SW of 11 Coalpit Road, Newry, BT24 2RQ

Proposal:

Proposed replacement dwelling & garage with existing dwelling to be retained for agricultural storage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane stated that the application sought full planning permission for a replacement dwelling.

He confirmed that the site was located within the countryside, with the application assessed under PPS 21, in particular Policy CTY 3 for replacement dwellings.

He advised that the existing building was considered to exhibit the essential characteristics of a dwelling, with the external walls largely intact. He noted that the principal issue related to the proposed off-site location and the retention of the existing structure.

Mr Keane stated that the building, together with its associated outbuildings, occupied a sizeable site. He noted that the red line boundary excluded lands to the rear while extending into an adjoining field. It was considered that sufficient land existed within and immediately adjacent to the established curtilage to accommodate a modest replacement dwelling on site. He advised that the curtilage was not so restricted as to justify an alternative location,

and that no evidence had been provided to demonstrate landscape, heritage, access, or amenity benefits arising from the proposed off-site siting.

In respect of retention, he advised that the building was not considered to be vernacular, did not make an important contribution to the locality, and was not worthy of retention. He added that its retention would contribute to an undesirable build-up of development, and that it was not sympathetically incorporated into the proposed scheme, being located outside the curtilage of the replacement dwelling.

Mr Keane further advised that the proposal was contrary to Policies CTY 8 and CTY 14, as the siting would add to ribbon development.

He concluded that the proposal failed to comply with Policies CTY 1, CTY 3, CTY 8 and CTY 14 of PPS 21, and was recommended for refusal.

Speaking rights:

In Support:

Mr Mark Tumilty spoke in support of the application, supported by the Applicants Mrs Laura and Mr James Deane.

Mr Tumilty advised that an application had been submitted for a replacement dwelling on Coalpit Road. He noted that the existing building to be replaced had been accepted by planners as exhibiting the essential characteristics of a dwelling and meeting the policy test in respect of the principle of replacement.

He outlined that the proposal sought an off-site replacement dwelling, together with retention of the existing building for use as a store. He noted that the case officer's report had stated that the off-site location would contribute to ribbon development and would be contrary to Policy CTY 8 of PPS 21.

Mr Tumilty advised that the existing dwelling was located within an active farmyard and that a health and safety report had been undertaken which concluded that locating a new dwelling within the farmyard would be contrary to health, safety and welfare considerations, given the proximity of agricultural buildings, machinery, and animal enclosures, and the lack of adequate separation between domestic and farming activities. He further stated that the report highlighted the risks associated with farm environments, including the potential for accidents and prolonged exposure to hazards, and concluded that introducing a dwelling within the farmyard would significantly increase risk to occupants.

He referred to examples of similar off-site replacement dwellings within the Council area, noting that comparable applications had been approved. He highlighted one such example located adjacent to an existing line of development, and another application which had initially been recommended for refusal but had subsequently been approved by Committee in June 2025. He contended that these examples were comparable to the current proposal and that a consistent approach should be applied.

Mr Tumilty stated that the proposal represented the most appropriate solution for the site, allowing the farm business to continue safely, with the retained building to be used for agricultural storage. He further noted that the case officer's report had accepted that the size, design, finishes, proportions and appearance of the proposed dwelling and garage

were appropriate for the rural setting and in accordance with the "Building on Tradition" guidance.

Ms Laura Deane advised that she and her husband lived and worked in Dublin and that she had grown up in Saval, where her family had longstanding ties. She noted that they had previously lived locally and considered it their home, but that there were no suitable housing options in the area. She stated that the family-owned site offered their only opportunity to return, highlighting the importance of living near her parents for support and future care. She requested the opportunity to return to Saval to raise her family within the local community.

In response to a question from Councillor McAteer regarding the site layout plan shown in the presentation, Mr Tumilty confirmed that it had represented the full plot. He advised that the area to the south comprised a lawn, while the proposed replacement dwelling had been located to the north within an existing cluster. He further confirmed that farmland to the rear was steep and unsuitable for development.

Mr Keane stated that it had been the Department's view that sufficient space had existed within the site to accommodate a replacement dwelling. Mr Tumilty responded that the area in question had formed part of an active farmyard and that it would have been impractical to locate a modern dwelling within it.

In response to a query from Councillor D Murphy regarding the distance between the existing and proposed dwellings, Mr Tumilty confirmed that the separation distance was approximately 20 metres at its nearest point. Following a further question, Mr Keane reiterated that, in the Department's view, there had been sufficient land to accommodate a new dwelling adjacent to the existing farm buildings. He added that the health and safety report submitted had been considered generic in nature and had been afforded limited weight, noting that no supporting evidence had been provided to demonstrate that the site operated as an active farm. Mr Tumilty refuted this, stating that no request for such evidence had been made, to which Mr Keane responded that the application had been assessed on the basis of the information submitted.

In response to questions from Councillors D Murphy and Devlin, Mr Tumilty advised that lambing activities had taken place on the farm and that the agricultural buildings had been intended for the storage of supplies associated with the lambing season.

Councillor McAteer proposed that the Committee overturn the officer's recommendation and grant approval, stating that the existing dwelling formed part of a traditional roadside pattern of development with farmyards to the rear and sides, which he considered incompatible with modern living standards.

This was seconded by Councillor D Murphy, who stated that he afforded weight to the health and safety report, particularly given the proximity of the proposed development to the existing farmyard.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor D Murphy it was agreed to issue an approval in respect of planning application LA07/2024/0097/F contrary to officer recommendation as contained in the Case Officer Report.

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

Councillor Enright left the meeting at this point – 11.54pm.

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

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

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

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

P/041/2026: JUDICIAL REVIEW UPDATE

Read: Report from Mr J McGilly, Assistant Director of Regenerations, regarding Judicial Review Update (**Copy Circulated**).

AGREED: It was agreed on the proposal of Councillor Hanna, seconded by Councillor D Murphy, to note the summary update provided and that officers would bring back a report covering the previous five years.

FOR NOTING

P/042/2026: HISTORIC ACTION SHEET

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

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

Councillor Larkin noted this was his last meeting as Chair of the Committee and expressed thanks to planning officers, the Legal department and Democratic Services Staff for their support throughout the year.

There being no further business the meeting ended at 12.14pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 30% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 1 July 2026

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

- **LA07/2022/1521/F** - Lands at 8 Corcreechy Road Newry - Erection of new commercial store with packing lines and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; partial retention of extended yard area with the relocation of fireworks storage containers and associated landscaping and ancillary siteworks to include the permanent closure of the existing access point onto the Lisserboy Road (reduced scheme). Amended description)
(Amended Plans and Site Address)
APPROVAL
- **LA07/2023/3213/O** - Land immediately northwest of 12 Middle Tollymore Road, Newcastle, Down, BT33 0JJ - Proposed demolition of existing dwelling and construction of 2no detached dwellings (Amended Proposal Description)
APPROVAL
- **LA07/2021/0809/F** - Land at 189-197 Main Street Dundrum - Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works
APPROVAL

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2022/1521/F

2.0 Date Received: 12.09.22

3.0 Proposal: Erection of new commercial store with packing lines, and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; retention of extended yard area with the relocation of fireworks storage containers; retention of boundary walls and associated landscaping and siteworks.

4.0 Location: Lands at 8 Corcreechy Road, Newry (to be accessed from Lisserboy Road)



Site Location Map and Aerial View of Site

5.0 Site Characteristics & Area Characteristics:

The application site is located 2.3 miles NE of Newry City and 0.4 miles NE of Sheepbridge Entertainment Complex located on a semi-elevated location within the open countryside. The site comprises 1.18ha of land with an existing business currently operating from the site located to the north of number 8 Corcreechy Road.

Access to the site is gained via Lesserboy Road, there is also an access from Corcreechy Road. The site lies below road level with the boundaries cut into the Landscape. There has been an extensive portion of land filled towards the northern boundary and vegetative boundary to the W of the site.

The application site is located outside any settlement development limits as designated with Banbridge/Newry and Mourne Area Plan 2015. The area is of typical rural character and predominately agricultural use.

6.0 Relevant Site History:

6.1 Enforcement History:

- LA07/2018/0063/CA – Alleged unauthorised extension to curtilage, infilling land and create storage area and new retaining wall. **Current.**
- LA07/2018/0475/CA – Alleged unauthorised siting of mobile home.
- P/2002/01111/CA – Non compliance

6.2 Appeal History:

- 2022/E0053 – Alleged unauthorised extension to curtilage, infilling of land to create storage area and new retaining wall. (Under consideration)
- **2020/A0073 (Appeal of LA07/2019/1575/F) - Appeal dismissed**

6.3 Application Site:

- LA07/2022/0832/PAN- Erection of new commercial store with packing lines and ancillary office and staff welfare facilities; new and improved parking, turning and loading areas; retention of extended yard area with the relocation of fireworks storage containers; retention of boundary walls and associated landscaping and siteworks. PAN Concluded.

LA07/2019/1575/F-Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking- Refusal (**2020/A0073, Appeal of LA07/2019/1575/F- Appeal dismissed**)



P/2014/0931/F-Retrospective amendment to previous Planning Approval Ref: P/2014/0305/F, to store 2 tonnes of fireworks hazard type 4 in 1 no. curtain trailer and 5 no. steel storage containers- Approval



P/2014/0305/F- Fireworks storage container for hazard type 4 explosives and permanent closure of existing laneway for commercial traffic- Approval



P/2013/0735/LDE- Retention of building as commercial store & for the retail sale of fireworks with associated office, customer parking, service area and access- Lawful



7.0 Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- PPS15 (Revised) - Planning and Flood Risk
- PPS21 - Sustainable Development in the Countryside
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

8.0 Consultations:

- **DFI Roads (12.04.24)** – No objection
- **Rivers Agency (25.05.23)** – FLD1 - Development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2, FLD 4 and FLD 5 - Not applicable

FLD3 - Drainage Assessment considered while not being responsible for the preparation of Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

- **EH (03.06.24)** – Detailing required on disposal of effluent
- **NIE (08.03.23)** - NIE remove their objection
- **NIEA Water Management Unit (24.02.23)** - Content with the proposal subject to conditions.
- **NIEA Natural Heritage (11.11.22)** – No accompanying ecology info.
- **NIW 10.11.22** – Approve subject to conditions

9.0 Objections & Representations

- The application was advertised in local newspapers on the 12th October 2022.
- 1 neighbour was notified on 01.11.22 and renotified due to the submission of amended plans.
- No objections were received

10.0 Consideration and Assessment:

10.1 Proposals involve the erection of a two storey 10.2 m high, 1000qm storage shed (40m by 25m) which will include 3 electric roller shutter doors along the E elevation, finished in green coloured insulated wall and roof cladding with translucent roof panels. The ground floor will house a goods storage, packaging and delivery areas within an open plan area. A two-storey internal ancillary accommodation area is located to the SW which will include reception, canteen and toilets at ground floor with staff offices at 1st floor. The existing warehouse (located to the S portion of the site) will be retained and unchanged in this proposal.

Externally proposals will include the widening of the existing laneway entrance onto Corcreechy Rd to the SW of the site, improvement of the existing and creation of new forward sight lines, new post and wire fencing and planting to the rear of visibility splays. A 1.2m high bung at the entrance of this access (runs parallel to Lisserboy Rd) to facilitate the permanent closure of this access.

Retention of existing concrete yard and provision of 6 No. Articulated lorry and 4 rigid vehicle spaces to the E of the site and external pallet storage area to the NE.

The existing curtilage has been extended to the NW portion of the site along with infilling, raising of ground levels to provide a level surface which will be used to relocate the fireworks storage from the N portion of the site to the NW which will be enclosed by security fencing and secure gated access. 34 car parking spaces to be located to the NW and W portion of the site including an external waste cardboard storage area. Existing dwelling at the site is retained.

11.0 Development Management Regulations:

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015

The agent has confirmed by email 11.07.23 and including the assessment of supporting information (12.09.22) that the premises will be primarily used for the applicant's storage of goods to be supplied to the applicant's high street stores requiring ancillary office accommodation as it is anticipated that online sales will also require sales office, packing and delivery. If granted the use could also facilitate a bonded warehouse facility to allow other businesses to store high value goods in a separate area which will allow rapid dispatchment to elsewhere.

The proposal has been considered under the Planning (Use Classes) Order (Northern Ireland) 2015 with proposals falling within the B4 Use Class (Storage and Distribution). The office accommodation is not located within a shopping area nor are they principally open to visiting members of the public but are nevertheless an ancillary function to the main use of the business and thus fall within B1: Business Use Class. Whilst the agent has indicated that online sales will form part of the development however as this relates more specifically to a storage and distribution element as opposed to a point of sale such as a shop and for this reason the proposals are not considered to be primarily retailing and therefore the B4 uses cover this minor element of the proposal.

Given the consideration of the relevant use classes that apply to the application the Local Planning Authority is satisfied that proposals fall within Part 8 of the regulations as the area exceeds 1 hectare (1.18ha) and therefore requires the submission of a Proposal Application Notice which was submitted under LA07/2022/0832/PAN.

The agent submitted a Pre-Application Notice to the Local Planning authority on the 25th May 2022 which was subsequently agreed on 12th August 2022. The regulation also requires a pre-application community event to be undertaken which was held on the 23rd June 2024 and consultation by way of correspondence with Cllrs/ MLAs as well as addresses within 200m radius of the site.

Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time (See Pre-Application Consultation Report dated 7th July 2022).

A Design and Access Statement has also been submitted as part of the submission on the 8th April 2024.

12.0 EIA Screening

The proposal falls within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Local Planning Authority has determined through an EIA screening that there will be no likely significant environmental effects and an Environment Statement is not required.

13.0 Habitats Regulations Screening

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) as the site is sufficiently removed and has no direct hydrological link to any European Site. The project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

14.0 Planning Act:

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.

15.0 The Regional Development Strategy (RDS) 2035:

The RDS is an overarching strategic planning framework supporting sustainable development which promotes urban economic development within urban centres/ key locations on lands specifically assigned as 'employment' lands within the area plan (RG1).

RG1 of the RDS specifies that adequate provision of lands to facilitate sustainable economic growth with focus upon urban centres or regional gateways taking advantage of their locations on the regional transport network. Newry has been identified within the RDS as the South-Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor and with sufficient lands available and zoned for economic purposes.

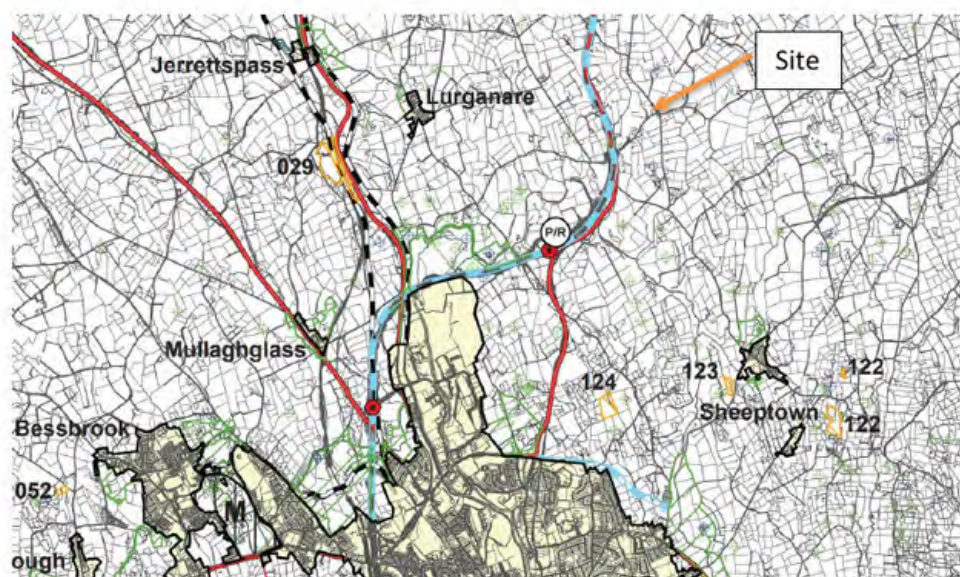
The application site is located approximately 2 miles to the NE within the open countryside on lands outside the urban settlement of Newry and outside of those lands specifically zoned within the settlement for employment/ economic purpose.

Supporting information has been provided justifying the necessity for the development at this location as they are unable to relocate due to the investment into the existing site, the applicant also resides on site and as the site contains highly specialised storage of fireworks on secured site it could not be relocated to an urban area due to risk of accident.

Despite the justification set out these circumstances are not exceptional and there has been no demonstrable evidence that a development of this nature cannot be relocated to an urban setting on lands zoned specifically for an employment/ economic

development proposal such as that proposed. **Proposals fail to conform with the RDS.**

16.0 Banbridge/ Newry and Mourne Area Plan 2015



The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational Local Plan for this site, which identified the site as being outside the development limits of Newry city and within the open countryside.

The objectives of the Banbridge/ Newry and Mourne Area Plan 2015 place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas as well as supporting and developing existing urban areas.

Within the defined settlement limits of Newry there are 124 hectares of land zoned specifically for economic development use which allows range of economic development uses including General Industrial (Class B3), Light Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4).

The applicant proposes a B4- Storage and Distribution use which could be adequately accommodated within the lands zoned for such purpose within an urban centre which would adhere to the objectives of the plan in the promotion of sustainable development and compacted urban form.

There are no overriding or exceptional reasons set out by the applicant as to why development must be located within the open countryside and could not be located in an urban location on lands specifically zoned for such economic uses.

Overall proposals fail against the overall aims, objectives or policies of the current statutory plan for the area, by virtue of its location outside of the designated settlement limits and within the open countryside. It is considered that it would not lead to a sustainable pattern of development contrary to Para 3.8 of the SPSS and the Banbridge/ Newry and Mourne Development Plan.

The hubs of Banbridge and Newry acts as a main service centre for the respective districts of Newry as well as an inter-regional gateway (Page 17 of Vol 1). Focusing on major population and economic growth on Banbridge and Newry. Whilst maximising the benefits of the efficient use of existing facilities, infrastructure and their strategic location on transport corridors. It is recognised that these urban centres 'will accommodate economic development' through expansion and creation of industrial estates or within the confines of existing zoned economic development land. Policy SMT 2 (Development on Zoned Land) is quiet specific that that planning permission within the urban limits will be forthcoming where development adheres to the land zoning or any key site requirement in accord with prevailing policy.

There is 124 hectares of land zoned for economic development under allocation ECD 1 in Volume 1 of the Plan. Zoned economic development land is in a variety of locations to allow for a range of economic development uses and choice. This land zoning could be availed by the applicant for the provision of intended economic uses, this has not been properly explored by the applicant and whilst justification has been set out, these do not represent exceptional reasons to set aside the provisions of not only the RDS but also the current Area plan.

Proposals fail to adhere to the specifications of the area plan which allows for the location of economic development proposals to locate within an urban centre.

Proposals are contrary to the Banbridge, Newry and Mourne Area Plan 2015.

17.0 Planning Policy Consideration:

As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

PED 2 – Economic Development in the Countryside

Policy PED2 of Planning Policy Statement 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the following policies PED 3, PED 4, PED 5 or PED 6. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

As proposals relate to the expansion of an established economic development use in the countryside the provision of policy PED 3 is applicable to this development. Further consideration of this is set out below:

PED 3 - Expansion of an Established Economic Development Use in the Countryside

PED3 of PPS4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area.

It directs that proposals for extension will normally be expected to be accommodated through the reuse or extension of existing buildings on site.

The existing economic development site has been established through the grant of previous planning permission on the site (P/2013/0735/LDE, P/2014/0931/F and P/2014/0305/F) comprising an enclosed and self-contained yard.

The applicant now seeks retrospective planning permission for works already undertaken which includes expansion of the curtilage (extension of yard area) and retention of retaining walls (boundary walls) beyond the confines of the established business which has extended the business into two separate agricultural fields. Along with the proposed erection of a new two storey commercial building with offices and additional parking. Having reviewed the previous planning approval taking account the established area (0.86ha) the proposal seeks to increase area by 0.3 ha representing a 35% increase to the established economic area which is a significant increase but has directly altered the rural area by the obvious change to the rural character through loss of existing agricultural lands and vegetation to accommodate this is currently an unauthorised element of the proposal.

It should also be noted that the extended application site formed part of a larger area of land which was subject to the refusal of planning permission under planning reference LA07/2019/1575/F which was subsequently refused under PED 3 and the planning appeal dismissed by the Planning Appeals Commission which concluded that the extended site represents a major increase in site area. The application site is not materially different albeit it excludes the area of vegetation which was intended with the application before the PAC.

The grant of permission for this element could also set the precedent for future developments of land as intended under LA07/2019/1575/F.

● It directs that proposals for extension will normally be expected to be accommodated through the reuse or extension of existing buildings on site.

The policy directs that expansion proposals shall be explored firstly by the use of existing buildings through re-use or extension before considering a new building. It also emphasises that the building should respectively integrate and be of an adequate scale and infers a 'containment' of development in the countryside.

Within the supporting statement the agent states that a new build is necessary because of the layout of the existing site this is due to a number of constraints (see pages 7 of statement). The Planning Department having considered the reasoning why reuse and extension opportunities are not viable and note the constraints on site accept the rationale for a new building.

The use of the existing site as storage, retail, offices and associated car parking, service area and access were confirmed by the certificate P/2013/0735/LDE which include the existing building to the S portion of the site.

The proposal seeks to erect an additional shed which is partly located within the confines of the established business with the remainder located within the unauthorised extended curtilage.

Whilst the Planning Department accept the use of the existing site as established for storage, retail, offices and associated car parking, service area and access were confirmed by the certificate P/2013/0735/LDE. The proposals seek to provide additional commercial storage and packing areas along with ancillary staff accommodation. Given current uses the Planning Department concede that proposed uses are considered compatible with the established uses currently operating at the site and accept the rationale for a new build.

Policy PED 3 goes further to state that any new build must be proportionate to the existing building, should integrate and be respectful of scale, design and materials.

The Planning Department acknowledge the design materials used are similar to the existing building.

The existing shed has a footprint of 1350 sqm with height of approximately 8m and is gable ended to the public road. The proposed development has an overall footprint of 1108 sqm which includes accommodates proposals within two floors, with a height of 10.4m height with full front and rear elevation facing the public roads. Proposals affectively double the footprint from what exists (83% increase) and height exceeds current premises, and given it cannot be fully sited within the confines of the established curtilage is excessive and not proportionate to the existing premises. Due to the orientation of the development the building when seen from public access will sit above the existing tree line and will appear much more prominent than the existing that proposals are unable to satisfactorily integrate. Furthermore, the new build element along with the additional car parking, expansion of site and the doubling of building coverage represents a significant scale of development which will adversely affect the rural character and appearance of the local area.

The Planning Department for the reasons set out above believe that this development represents a major expansion of an existing industrial enterprise this has also been acknowledged by the agent by virtue that the application has been submitted as a major application meeting the thresholds of legislation. As expansion and new build elements have been considered under the first three paragraphs of PED 3 and thus far fail to adhere to policy in this regard.

PED3 in exceptional circumstances notes that a proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that, it meets the following criteria:

- **relocation of the enterprise is not possible for particular operational or employment reasons;**
- **the proposal would make a significant contribution to the local economy; and**
- **the development would not undermine rural character. In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site**

The agent in supporting information has advised that the yard extension was an interim measure to enable the company to keep up with rising demand and as the company sales revenue increased so too did the requirement to store goods on site (hence the new build), the extension also allowed for increase vehicular activity at

and pave the way for a planned expansion but also to necessitate the relocation of fireworks for health and safety reasons .



Site prior to works



Site including area of unauthorised works

The extended yard has encroached into former agricultural lands through the removal of existing vegetative boundaries and replaced by retaining walls and infilling to raise ground levels and provide a level surface to facilitate expansion of the curtilage area of the enterprise. Whilst the agent has offered operational reasons to justify this expansion which cannot be located elsewhere which includes that due to the storage of fireworks the risk of locating to an urban area would increase risk of accident and the inability to provide secure conditions other than the existing site – these arguments have not been advanced with evidence that there is no available sites within lands zoned for economic purpose within the urban limits that equally provide the same level of safety and security.

Whilst the Planning Department accept the established and lawful economic enterprise achieved through planning permissions. The current proposals involve the relocation of firework containers to be moved to the periphery of the site for health and safety reasons and to enhance vehicular activity at the site which includes additional parking and service areas this is outside the scope of the existing lawful and established business enterprise. Even when considering the new build proposed there remains scope within the existing curtilage to facilitate both parking, servicing and firework relocation without necessitating the extremity of the extension undertaken without the benefit of planning permission.

The agent has outlined within the supporting statement that the storage of fireworks is highly specialised and must be stored in controlled environment the move to urban areas would enhance the risk of accidents. Such a move would have a significant adverse impact upon his workforce. The business previously employed 85 persons and he now employs 105 with 20 people employed on site and from the P1 form envisages and extra 20/30 workforce at this location. He further adds that, the relocation of the enterprise would not be possible due to the level of investment at the site which cannot be recouped through re-sale or private rent and that the existing dwelling although not occupied is a family home and cannot be disposed of there is no prospect an independent business could operate at the site should he have to abandon and relocate elsewhere and could not set aside 1.5million and start afresh at new commercial premises in Newry or elsewhere (page 9 of supporting stamen). Despite the reason for not being able to relocated there has been no advancement of this argument as to where the existing workforce is currently located, why there are no available opportunities elsewhere and critically given the

level of expansion which is excessive at this location given overall scale and nature that there is no exceptional or persuasive evidence advanced to meet the exemption tests and there is no reason why this development could not be consolidated within the established curtilage.

In the absence of actual factual information relating to the contribution to the local economy the Planning Department are reliant upon the accuracy of information provided by the agent in relation to economic activity and contribution to the local economy. On this basis accepts this logic and have no reason to disagree with its conclusion.

Despite the contribution that such a development will make to the local economy any benefit associated with this, does not outweigh the unacceptable impact to the rural character not only by the extensive unauthorised works which have resulted in the encroachment into agricultural lands which has deployed extensive engineering works through infilling, raising of ground levels, and erection of sizable retaining walls and the provision of an extensive area of hardstanding which has resulted in undermining the rural character. The additional new build and utilisation of hardstanding areas with carparking, external storage area will further contribute to the erosion of the rural character.

The Planning Department do acknowledge the presence of additional landscaping running parallel to the outer W boundary. This appears to be outside the ownership and control of the applicant and not shown to be within the extent of the development site. Furthermore, given the scale and form and cumulative impact of this development of the development will extend beyond the existing tree line and will be seen from areas of public access. Despite the additional landscaping the development will contributed unacceptably to a build-up of development despite opportunity to contain the development within the rural area are visually unacceptable adversely affecting the rural character, the retention of unauthorised works along with the combined additional new development will further erode and detract from the rural setting.

Proposals fail against all policy tests of PED 3 and in doing so also fails to meet the requirements of PED2 for the reason set out above.

20.0 Policy PED 9 General Criteria for Economic Development

20.1 PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

(a) it is compatible with surrounding land uses;

Whilst the Planning Department acknowledge the associated planning history associated with the established and existing economic development to part of the site. Whilst development within this lawful area given that existing land use may be considered compatible. However, it is the expansion of this development into the open countryside and the addition of further commercial buildings which are at odds with the predominant agricultural land use exhibited at this locale that overall proposals are not compatible with those surrounding land uses and well adversely impact upon its setting and character.

Proposals fail to meet criteria a.

- (b) it does not harm the amenities of nearby residents;
- (e) it does not create a noise nuisance;

EH in comments dated 23.05.23 acknowledge potential impact to the amenity of nearest neighbours through noise and therefore suggested conditions be applied to mitigate this risk.

Criteria b and e can be met by the applicant through compliance of planning conditions.

- (c) it does not adversely affect features of the natural or built heritage;

Not applicable – No known features within the area.

Criteria c not applicable

- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

Rivers Agency in comments dated 25.05.23 have raised no objections.

Criteria d complied with

- (f) it is capable of dealing satisfactorily with any emission or effluent;

NIEA and EH raised no issues of concern.

Criteria f complied with

(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;

DFI Roads in comments dated 12.04.24 have no issues.

(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;

As the site is located within the open countryside with no connection to existing footways, is far removed from existing bus connections and cycle ways there is no prospect of supporting sustainable patterns of movement.

Proposals fail to meet criteria i.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The site is located within a predominant agricultural landform that the use for economic development is at odds with the prevailing land uses associated with this area, with development more appropriate to an urban setting on lands zoned for such purpose.

The proposed shed, pallet storage area, lorry turning, and parking is to be contained within the existing parameters of the site. However, the expansion of the site without the benefit of planning permission has encroached onto agricultural lands and removed existing vegetation. This has also involved significant engineered design solution to build significant retaining walls along the outer boundary and infilling to raise ground levels up to level up with the existing yard this has resulted in a significant increase of the site area. Whilst the Planning Department acknowledge the building design is reflective of the existing building at this location the expansion of use, additional hardstanding, new building and associated lorries and vehicular traffic attracted to the site in terms of building design and layout would not normally be associated within a rural context but rather equivalent found within an industrial estate or urban locale.

The Planning Department acknowledge the presence of Leyland planting along the outer W boundary of the site. Prevailing policy context does not allow for development which relies on new landscaping to aid integration. Furthermore, the use of Leyland at this rural location is at odds with the predominant use of blackthorn vegetation and native trees found along field boundaries. This is pronounced when viewed from the A1 that the totality of the development and landscaping looks misplaced at this rural location.

Despite the level of vegetative screening development proposals will still be visible from the Lisserboy and A1 and given the increased ground level increases along the NW portion of the site any development at this location will sit higher than the vegetation in place to screen such views.

Overall development proposals including landscaping are not of high quality nor do they assist with the promotion of sustainability and biodiversity. In fact, the poor quality of built form, and expansion of the site will appear conspicuous on the local setting and will have an adversely visual impact upon the character and setting of the area.

Proposals fail against criteria j, k and m of PED 9.



(l) is designed to deter crime and promote personal safety;

The site is contained with restricted access to third parties.

Criteria I has been met.

PPS 3 - Access, Movement and Parking

DFI Roads in their consultation response dated 12th April 2024 have raised no issues of concern. ***Proposals meet the requirements of PPS3.***

PPS15 Planning and Flood Risk

DfI Rivers Agency confirm that the Flood Hazard Map indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Drainage Assessment was submitted with the application. DfI Rivers Agency have stated that a DA is not required as the development does not exceed the thresholds as outlined in Policy FLD 3.

DfI Rivers Agency has stated FLD 2, 4 and 5 are not applicable to this site.

The proposal is considered compliant with the policy provision contained within revised PPS 15.

PPS21 - Sustainable Development in the Countryside

Policy CTY 1 – Development in the Countryside

Policy CTY1 of Planning Policy Statement 21 allows for a range of development opportunities including non-residential which will only be permitted where there are overriding reasons why that development is essential and could not be located within a settlement or it is otherwise allocated for development within a development plan and further expands in the 'Non-Residential Development' that industry and business uses must also be in accord with PPS4.

The Agent has confirmed by email (11.07.23) and included in supporting information (12.09.22) that the premises will be primarily used for storage of goods with distribution to his high street stores but will also accommodate ancillary office accommodations including provision for distribution associated with online shopping with consideration given to a bonded warehousing as a potential future use at the site. Given the information provided, the Planning Department have assessed the application as primarily a B4 Use Class (storage and distribution) with ancillary B1 (office accommodation) and therefore is assessed accordingly under the provision of PPS4.

Notwithstanding this, as the development is within the open countryside the policy provisions of CTY1 are applicable. Therefore, development proposals must fully adhere to its requirements with justifiable reasons as to why the development is essential at this location and could not be located within a settlement.

The applicant has failed to demonstrate why the development is 'essential' at this rural locations. Whilst the former planning appeal (PAC DEcison27.09.21) acknowledged that proposals may make a contribution to the local economy, a position that the Planning Department did not challenge at the time and still accept on the basis of additional information provided that this may remain the case.

Whilst arguments have been forthcoming in relation to why the development must be allowed to continue at the site. In that such as the investment into current site they simply cannot locate elsewhere, the existing dwelling at the site cannot be disposed of nor could anyone occupy the site, the business has highly specialised storage of fireworks and must be contained within a controlled environment and could not locate to an urban location due to risk of accident. No information has been provided that there are simply no suitable sites elsewhere and that all options to locate elsewhere have been fully explored. There has been no information provided to justify why it cannot be located within an urban location when it is clear there is adequate provision within the current area plan of some 124 hectares of land zoned for economic uses to which development proposals could be accommodated. There have been no employment reasons presented in relation to the existing business model which from the information provided the 'Around a Pound' business appears to operate over several sites and yet no information has been provided on these sites, what staffing is located at each and why these sites cannot provide the expansion demands required of the business. Yet the existing site facilities 20 people, with a total workforce of 105 persons with a possible additional 20 to be located at this site. Despite the increase in

numbers of staff in comparison to overall business this is a relatively small amount of staff compared with the overall scale of the business and the development that it should require such significant increase at this specific location when there has been limited information to justify the need for such development and the need for such extra space when there is scope to consolidate within the existing site and look at existing business locations.

There is no overriding, persuasive or exceptional reasons set out to justify proposals that development could not be directed specifically to those lands zoned for economic purpose within the area plan to support the objectives of the area plan, promote sustainable development within the urban centre as well as benefitting from better and strategically placed transport network.

The supporting information is insufficient in meeting the requirements of CTY 1 as to why it is essential to locate within the open countryside and why it couldn't be located elsewhere. This simply has not been addressed with development proposals failing CTY1 in its entirety.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

Policy CTY13 sets out that planning permission will be forthcoming where a building in the countryside can be visually integrated into the surrounding countryside and it is of an appropriate design, the policy goes on to set out a number of criteria to which development proposals must also adhere.

(a) it is a prominent feature in the landscape; or
(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

The Planning Department acknowledge that whilst the building sits into the hillside and benefits from a rising backdrop. However the proposed building exceeds the ridge heights of existing buildings on site and despite the planting along the western boundary the building will extend beyond through this. Although the design of the building is reflective of that currently on the site nevertheless the broadest elevation of the building faces the road and given the height of the building exceeding surrounding buildings that the building will appear obvious and prominent when viewed alone and with the other buildings at this location. ***For these reasons proposals fail against criteria a and f***

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
(c) it relies primarily on the use of new landscaping for integration; or
(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The PAC in their decision noted that the appeal development relies primarily on the use of new planting to assist with integrating the sizeable retaining wall, fencing and relocated fireworks container surrounding the yard. Whilst the Planning Department acknowledge the extent of new Leyland planting along the western boundary this site and proposals could not be integrated without such measures and the applicant has

primarily relied on this additional landscaping in order to make proposals acceptable as otherwise this could not be provided by existing long established natural boundaries and any existing vegetative boundaries have been removed to facilitate this development. On this basis as the development proposals have relied upon new landscaping to provide enclosure and screening is an indicator that proposals are not acceptable for their location as proposals could not have been integrated within the confines of a natural vegetative or through natural topography to enclose and integrate this development.

On this basis proposals fail against b, c and f of CTY13

- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or

The Planning department accept that the building has been designed to reflect that of the adjacent and existing building. However, in the broader sense of its locality the building is not appropriate to its location when viewed from the A1 the site is surrounded by agricultural lands and both the existing and proposed building can be viewed from the public road. As such the building by its very nature for commercial use is designed as such and is more akin to a building that would be readily seen in an urban settlement or industrial estate that set within an agricultural setting. Likewise when viewed on approach along the Lisserboy Rd the cumulation of existing and proposed buildings along with ancillary works will be evident and misplaced on this rural setting and has not been appropriately designed for its location and is therefore unable to integrate.

Proposals fail against criteria d and e of CTY 13

For the reasons set out above proposals fail against the policy requirement of CTY13 of PPS21.

Policy CTY 14 – Rural Character

Planning permission will be granted for a building within the countryside where it does not cause a detrimental change to, or erode the rural character of an area, the justification and amplification of the policy also requires an assessment of ancillary works associated with the development. This position was supported by the PAC in their decision relating to the site under planning reference LA07/2019/1575/F and remain applicable in the assessment of this application.

- (a) it is unduly prominent in the landscape; or

For the reasons set out above in CTY13 relating to prominence, proposals fail against criteria a.

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

The PAC previously stated that ‘despite the planting of new landscaping the appeal development contributes unacceptably to a built up of development detrimental to the rural character of the area’. Whilst the proposed site differs from what was before the

PAC it still includes the area of retaining walls, infilling and extension of yard but also includes the addition of a new building at this location. Fundamentally current proposals are reflective of these previously before the PAC albeit it excludes the area of planting. Despite the existence of existing building and opportunity to contain development within the countryside proposals have extended beyond the original confines of the established and lawful business and has encroached on the rural area bringing suburban style engineered solutions and additional building resulting in a suburban style of development which is not in keeping within this rural location.

Fails criteria b

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

The traditional settlement pattern comprises of predominant agricultural lands with a dispersed residential dwellings within the locality, this is evident when viewed from the A1. Proposals are completely at odds with the prevailing pattern of settlement exhibited at this location and development proposals are more akin to the type of development you would expect within an urban setting and not within a rural location.

Fails criteria c

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

No issue with regard to ribbon development

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

Proposals fail to meet criteria e, issues relating to impact of ancillary works have already been considered under CTY13.

Overall proposals fail against criteria a-c and e of CTY14 for the reasons set out above.

CTY16

Planning permission will only be granted for development relying on nonmains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

The applicant intends to connect to mains water for supply with surface water disposed of via a soakaway and foul sewerage by means of a septic tank. NIW have considered proposal before them and have no objection.

Proposals meet the requirements of CTY 16.

22.0 SPSS - Safeguarding Residential and Work Environs 4.11 and 4.12

22.1 Paragraphs 4.11 and 4.12 of the SPPS outlines that there are a wide range of environmental and amenity considerations including noise and air quality which should be considered when assessing a development management proposal.

No issue have been raised in relation to amenity concern with EH setting out a number of conditions to mitigate issues in relation to potential noise pollution. Due to the proposed use of the site, there are unlikely to be air pollution issues, although during construction phases of the site there may be issues relating to dust however if controlled and managed by the developer during construction should not be problematic.

22.8 Other environmental considerations have been set out above in relation to water supply and sewerage.

22.9 Proposals adhere to paragraphs 4.11 and 4.12 of the SSPPS for the reasons set out above.

23.0 SPPS and PPS2 – Natural Heritage (Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance)

There was no accompanying ecology information provided as part of the submission. On inspection given the extent of existing hard standing there is little or no prospect of habitat being active within the hardstanding area of the application site.

In consideration of Policy NH5, Planning permission is only forthcoming if it is not likely to harm a European protected species and will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on Habitats, Species or Features of Natural Heritage Importance.

Priority Habitat in the form of existing natural hedgerow vegetation has already been removed to facilitate the existing unauthorised works to which development proposals seek to retrospectively retain such development along with new proposals. Such priority habitat can have significant biodiversity value in relation to plant species and corridors for movement of species. Where such development is likely to result in an unacceptable impact on or damage to habitats, species or feature will only be permitted where the benefits of the development outweigh the value of the habitat, species or feature – this has not been demonstrated.

In such cases appropriate mitigation and /or compensatory measures are required. Whilst the planning department acknowledge the planting of Leyland trees along the outer boundary this is not considered an appropriate compensatory measure as it is not a native species of vegetation.



Proposals fail against PPS2 – NH5 for the reasons set out above.

28.0 Impact to European Sites:

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

28.2 Having considered the nature, scale, timing, duration and location of the project it is concluded that the project would not have any adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

29.0 Consideration and Assessment Summary:

29.1 Having had regard to the development plan, RDS, policy and all other material considerations (including SPPS, PPS2, PPS3, PPS4, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme does not merit as a suitable economic development proposal for the reasons set out above. Therefore, the application is recommended for refusal as outlined below.

30.0 Recommendation: Refusal

REFUSAL REASONS:

1. The proposal is contrary to the Regional Development Plan 2035 in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within an urban settlement.
2. The proposal is contrary to the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit

and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within the development limit within the Council area in accordance with the sustainability objectives of the plan.

3. The proposal is contrary to Policies PED2 and PED 3 of Planning Policy Statement 4, Planning and Economic Development, in that the proposal represents a major increase in the site area of the enterprise and would harm the rural character and appearance of the local area and does not meet any of the exceptional circumstances.
4. The proposal is contrary to criterion a, i, j, k and m of Policy PED9, Planning Policy Statement 4, Planning and Economic Development in that:
 - (a) it is compatible with surrounding land uses;
 - (i) a movement pattern is provided that, insofar as possible, does not support 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;
 - (j) the site layout, building design, associated infrastructure and landscaping arrangements are not of high quality nor assist the promotion of sustainability and biodiversity;
 - (k) appropriate boundary treatment and means of enclosure are not adequately provided and any areas of outside storage proposed are not adequately screened from public view;
 - (m) in the case of proposals in the countryside, there is no satisfactory measures to assist integration into the landscape.
4. The proposal is contrary to Paragraph 6.91 of 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
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that development would if permitted:
 - is a prominent feature in the landscape;
 - unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the design of the proposed building is inappropriate for the site and its locality;
 - it fails to blend with the existing landform and trees to provide a backdrop and

therefore, would not visually integrate into the surrounding landscape.

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the development would, if permitted, be unduly prominent in the landscape;
 - the development would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to and further erode the rural character of the countryside.

7. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy NH5 of Planning Policy Statement 2 (PPS2) in that proposals have had an unacceptable adverse impact on and damage to a priority habitat, there are no overriding reasons for this development which outweigh the value of the priority habitat or acceptable compensatory measures provided.

LA07/2022/1521/F

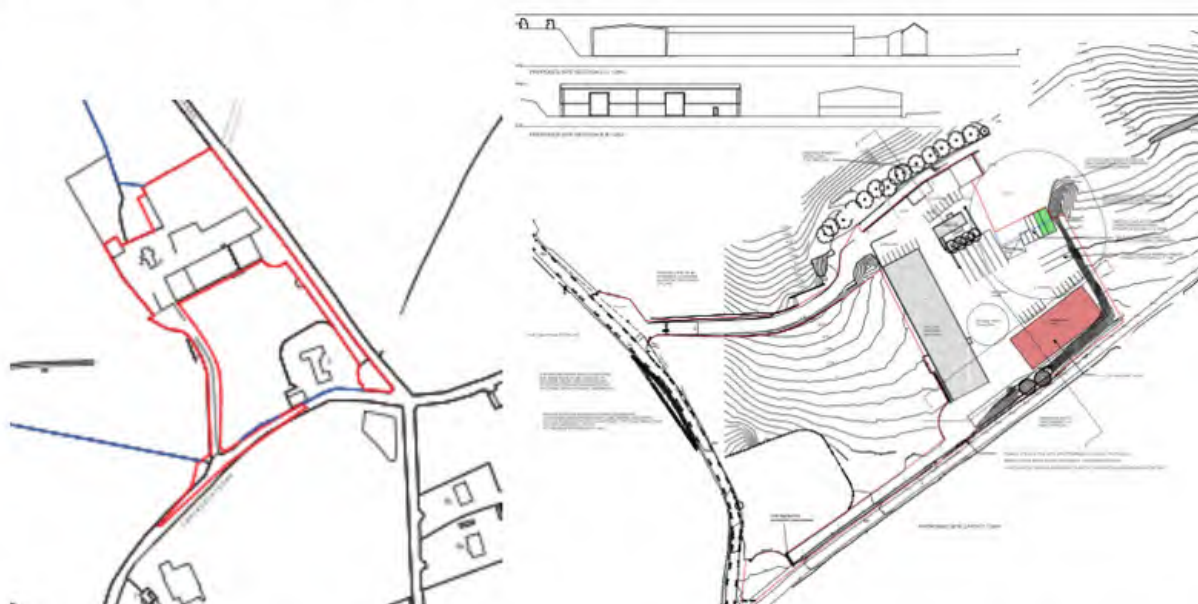
1.0 The application was added to the committee list with a recommendation to refuse on the 26th June 2024.

The agent requested to remove the application from the Planning Committee list as he was unable to attend at the time. The application was subsequently removed.

The agent, having viewed the planning report and reasons for refusal subsequently sent in amended plans and revised the proposal description. This required re-advertisement and re-neighbour notification as well as reassessment.

The new proposal description reads:

**Erection of new commercial store with packing lines and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; partial retention of extended yard area with the relocation of fireworks storage containers and associated landscaping and ancillary siteworks to include the permanent closure of the existing access point onto the Lisserboy Road (reduced scheme).
(Amended Plans and Site Address)**



Amended Site location (published 11/02/2026) Amended Block Plan (published 05/05/2026)

The amended plans and proposal description were re-advertised on the 28.8.24, 28.1.26, 25.3.26 and re-neighbour notification on the 16.8.24 and 11.3.26(16.3.26).

No representations or objections have been received.

2.0 Planning 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, and to any other material considerations. Section 6(4) of the Act requires that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The adopted Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the LDP for the area wherein the site is located. In the BNMAP, the site lies outside any designated settlement development limit and falls within the countryside north of the city of Newry. As the BNMAP contains no provisions material to the development, other material considerations relevant to this proposed development are examined below.

The proposal is to be reconsidered against the relevant planning policies. As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policies of PPS 21 and PPS4, will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

3.0 Policy CTY 1 of PPS 21 states, Planning Policy Statement 21 allows for a range of development opportunities including non-residential which will only be permitted where there are overriding reasons why that development is essential and could not be located within a settlement or it is other-wise allocated for development within a development plan and further expands in the 'Non-Residential Development'.

- industry and business uses in accordance with PPS 4 (currently under review);

4.0 Policy PED 2 of Planning Policy Statement 4 states that proposals for economic development uses in the countryside will be permitted in accordance with the following policies PED 3, PED 4, PED 5 or PED 6. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

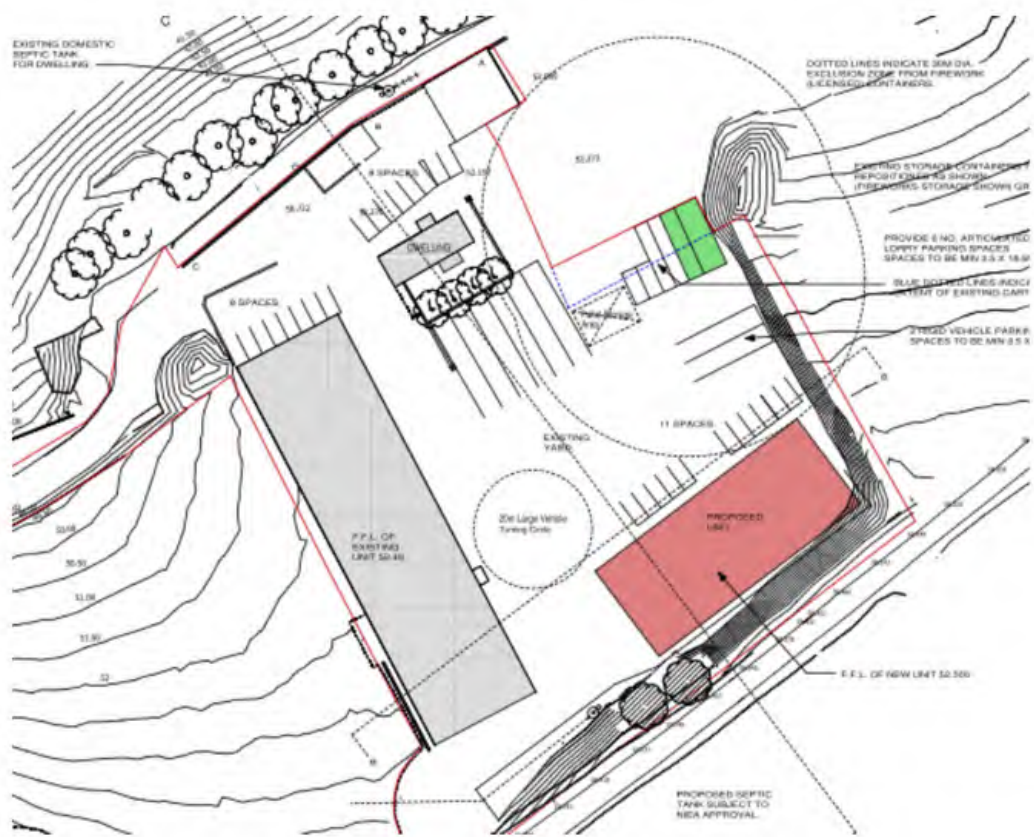
As proposals relate to the expansion of an established economic development use in the countryside the provision of policy PED 3 is applicable to this development. Further consideration of this is set out below:

4.1 Policy PED 3 - Expansion of an Established Economic Development Use in Countryside

The amended site layout removes a substantial area of unauthorised encroachment into the surrounding agricultural lands. In particular, the proposal provides for the removal of the unauthorised works comprising the infilling of agricultural land, the construction of a retaining wall, and the formation of an extensive area of hardstanding.

The revised proposal retains only a small area of encroachment beyond the established site boundary to facilitate the relocation of the fireworks storage containers. This area is identified by the blue dashed line on the submitted layout plan.

The amendments represent a significant reduction in the extent of the unauthorised development and substantially lessen the impact of the site on the surrounding agricultural lands and wider rural area.



The established site area, as certified under planning reference P/2013/0735/LDE and including the existing access laneways, extends to approximately 1.05 hectares.

The proposed expansion of the site, as illustrated above and including the widening of the access laneway, extends to approximately 0.082 hectares.

Accordingly, the proposed expansion represents an increase of approximately 8% over the established site area. The scale of the proposed extension is therefore relatively modest in the context of the overall lawful extent of the site.

Policy PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal would not harm the rural character or appearance of the local area and where there is no major increase in the site area of the enterprise.

Having considered the amended proposal, the Planning Department is satisfied that the development no longer constitutes a major increase in the site area of the enterprise.

As outlined above, the proposed expansion amounts to approximately 0.082 hectares, representing an increase of approximately 8% over the established site area. The scale of the extension is therefore considered modest and consistent with the policy objective of ensuring the containment of development in the countryside.

Policy PED 3 further states that proposals for expansion should normally be accommodated through the reuse or extension of existing buildings on site. Where this is not possible, new buildings may be permitted where they are proportionate to the existing buildings, integrate with the overall development, and respect the scale, design and materials of the established premises.

The Planning Department having previously considered the reason why reuse and extension opportunities are not viable and noted the constraints on site, accepted the rationale for a new building.

The proposal seeks permission for an additional shed located within the confines of the established premises, together with the relocation of the fireworks storage containers within an area of the unauthorised extension.

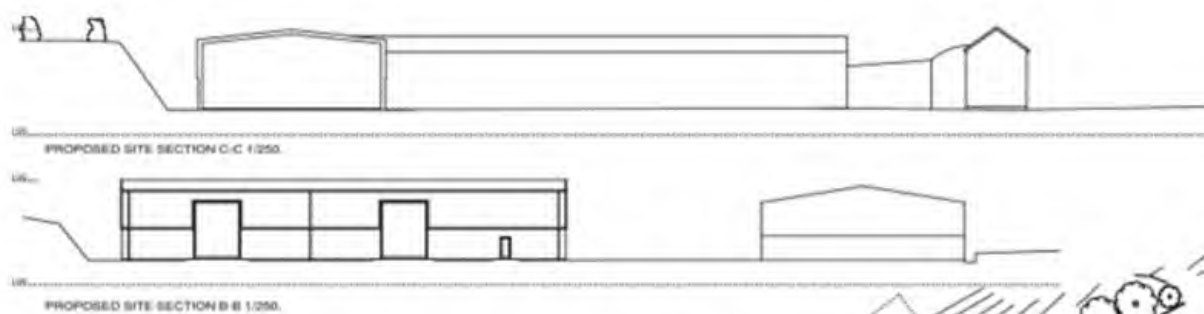
The Planning Department accepts the lawful use of the site, as established under Certificate of Lawfulness reference P/2013/0735/LDE, for Class B4 Storage and Distribution, Class A1 Retail (firework sales), Class B1 Offices, and associated parking, servicing and access arrangements.

The proposed development will provide additional storage accommodation, packing areas, office space and ancillary staff facilities, including toilets and a canteen, together with associated parking and turning areas. Having regard to the established uses operating from the site, the proposed development is considered compatible with the existing business activities operating at the site.

In respect of scale, design and appearance, the proposed building adopts a similar design approach and palette of materials to the existing building on site. The existing shed has an approximate footprint of 1,350 square metres and measures approximately 8 metres in height, 19 metres in width and 72 metres in length. The proposed shed will have a footprint of approximately 760 square metres, with a height of 7.7 metres, a width of 18 metres and a length of 43 metres.

While the proposal would increase the overall building footprint on the site by approximately 56%, the new building remains significantly smaller than the existing shed and is slightly lower in height. Although the finished floor level of the proposed building is marginally higher than that of the existing shed, resulting in both structures sitting at a broadly similar overall height when viewed externally, the proposed building is considered proportionate to the scale of the established development.

Policy PED 3 further requires that any new building be proportionate to the existing development and integrate with the overall site, whilst respecting the scale, design and materials of the established buildings. In this regard, the Planning Department acknowledges that the proposed shed adopts a design approach and material finish that is consistent with the existing building on the site.



The proposed shed as shown above is positioned to the rear of the established premises, behind both the existing dwelling and shed. As a result, views of the

development from the A1 and Corcreechy Road will be largely screened by the existing built form on the site. In addition, the proposed extension of the site area to accommodate the relocated fireworks storage containers will be supplemented by additional landscaping and boundary treatment, which will assist in maintaining the rural character and appearance of the area.

The site benefits from a naturally contained setting, having been formed within the hillside. The existing topography provides a substantial backdrop to the development and significantly assists in its integration into the surrounding landscape.

To ensure satisfactory integration of the development, details of all retaining structures, boundary treatments and landscaping works will be required to be submitted for approval prior to the commencement of development. This will ensure that the building is successfully integrated into the rising ground at the south-eastern corner of the site and into the wider countryside setting.

Having regard to the siting, scale, design, materials and proposed landscaping measures, the Planning Department is satisfied that the proposed shed respects the character of the existing development and is proportionate to the established building on the site. The proposal will integrate satisfactorily as part of the overall development and will not adversely affect the rural character or appearance of the locality.

The proposed development is therefore considered to comply with the requirements of Policy PED 3.

4.1 Policy PED 9

PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

(a) it is compatible with surrounding land uses;

The Planning Department accept the use of the existing site as established for Class B4: storage & distribution, Class A1: retail (firework sales), Class B1: offices and associated car parking, service area and access which were confirmed by the certificate P/2013/0735/LDE.

The proposals seek to provide additional commercial storage, packing areas, offices, ancillary staff facilities (toilets/canteen), along with parking and turning areas. Given the current uses outlined above, the Planning Department consider the proposed uses are compatible with the established uses currently operating at the site.

(b) it does not harm the amenities of nearby residents;**(e) it does not create a noise nuisance;**

Environmental Health has reviewed the amended plans and additional information submitted. Environmental Health notes that no additional floodlighting forms part of the current planning application. Environmental Health has no objection in principle to the proposed development subject to conditions.

Criteria b and e can be met by the applicant through compliance of planning conditions.

(c) it does not adversely affect features of the natural or built heritage;

Not applicable – No known features within the area.

Criteria c not applicable

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

Rivers Agency in comments dated 25.05.23 have raised no objections.

Criteria d complied with

(f) it is capable of dealing satisfactorily with any emission or effluent;

NIEA and EH raised no issues of concern. NIW had responded stating that there is no foul sewer network within this area. In response the agent amended the proposal

stating that the foul sewage would be disposed to a septic tank subject to NIEA approval. A negative planning condition to be attached to any decision.

Criteria f complied with.

(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 maneuvering areas are provided;

DFI Roads in comments dated 28.05.26 have no issues.

Existing access onto Lisserboy Road and existing access onto Corcreechy Road via lane way to be permanently stopped as noted on Drawing No. 2369-L02-Rev L published date on Consultee Hub 05th May 2026

(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;

Criteria I complied with.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

Criteria J complied with.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Further details on proposed retaining structures and landscaping proposals are to be submitted prior to works commencing on site, a negative planning condition for such

detailing will ensure successful integration of the building into the slope at the south east corner and into this countryside area.

Overall, the development proposal including the proposed landscaping will ensure minimal visual impact upon the character and setting of the area.

Criteria K and M complied with.

The proposal is compliant with the relevant policies within PPS 4.

5.0 Planning Policy Statement 21

5.1 Policy CTY 13 of PPS 21 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 of an appropriate design. The policy also sets out a number of additional criteria against which development proposals must be assessed.

The proposed shed is to be located within the boundaries of the existing premises, positioned to the rear of the established yard and surrounded by existing development. The yard itself is set below the level of Lisserboy Road and has been formed within the natural slope of the land. As a result, the proposed building will benefit from a degree of natural containment and will be viewed against an established backdrop.

In addition, the development will be supplemented by landscaping comprising native species planting, which will provide further screening and assist in integrating the building into its rural surroundings. Given its siting, the existing topography, and the proposed landscaping measures, the visual impact of the development is considered to be minimal.

The proposed shed is of a functional industrial design appropriate to its intended use. The lower section of the external walls will have a rendered finish, while the upper walls and roof will be clad in Kingspan panels finished in bottle green. The choice of materials and colour palette is considered appropriate within the context of the existing premises and will help to minimise the visual prominence of the structure within the wider countryside.

Having regard to the siting, design, materials, and proposed landscaping, the development is considered to comply with the requirements of Policy CTY 13.

5.2 Policy CTY 14 of PPS 21 states, planning permission will be granted for a building in the countryside where it does not result in a detrimental change to, or further erode, the rural character of the area.

As discussed above, the proposed shed will not be unduly prominent within the landscape, given its location and the presence of surrounding natural boundaries.

The proposed development is sited to the rear of the property, within the existing yard, and will cluster with the established buildings on the site. As such, it will not result in a suburban-style build-up of development, nor will it create or contribute to ribbon development.

The removal of a substantial proportion of the unauthorised encroachment into the surrounding agricultural lands, including the infill, retaining wall and areas of hardstanding, significantly reduces the visual impact of the development. Consequently, the ancillary works now proposed are no longer considered to be harmful to the rural character of the area.

Furthermore, the proposed closure of the access onto Lisserboy Road will help to contain the site within the countryside setting, with a single point of access being retained via the existing entrance from Corcreechy Road.

5.3 Policy CTY16 of PPS 21 states, planning permission will only be granted for development relying on a non-mains sewage disposal system where it can be demonstrated that the proposal will not create or contribute to a pollution problem.

The applicant proposes to connect the development to the mains water supply. Surface water is to be discharged to a watercourse, while foul sewage will be disposed of via a septic tank.

The proposal has been considered by the relevant statutory consultees, including Northern Ireland Water (NIW), NIEA (WMU), DfI Rivers and Environmental Health (EH). No consultee has raised any objection to the proposed means of drainage and sewage disposal.

Having regard to the nature of the proposal, the proposed drainage arrangements, and the consultation responses received, it is considered that the development will not create or add to a pollution problem. The proposal is therefore considered to comply with the relevant provisions of PPS 21.

6.0 PPS2 – Natural Heritage (Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance)

There was no accompanying ecology information provided as part of the submission.

In consideration of Policy NH5, Planning permission is only forthcoming if it is not likely to harm a European protected species and will only be granted for a development

proposal which is not likely to result in the unacceptable adverse impact on Habitats, Species or Features of Natural Heritage Importance.

The Planning Department had previously considered that a Priority Habitat in the form of existing natural hedgerow vegetation had already been removed to facilitate the existing unauthorised works. As this development no longer seeks to retain the unauthorised works, the above policy is no longer considered relevant.

7.0 Consultation Responses

NIW: P1 states that applicant proposes to discharge foul to main sewer. NIW do not have a foul sewer network within this area. Agent amended P1 form stating foul sewage is to be disposed of via septic tank.

Public water main to serve the development within 20m.

Proposal to discharge surface water to watercourse.

Dfl Rivers:

FLD1 – Not applicable to this site

FLD2 – Not applicable to this site

FLD3 - Development and Surface Water - Dfl Rivers acknowledges the submission of the revised Drainage Assessment by MCL Consulting, dated September 2022, and comments as follows:

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

It should be brought to the attention of the applicant that the responsibility for the accuracy of this Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

FLD4 – Not applicable to this site

FLD5 – Not applicable to this site.

EH: No objection

Dfl Roads: no objections subject to conditions referred to below.

NIEA:

Water Management Unit (WMU) has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal.

NIE:

Following discussions with the applicant, NIE Networks can confirm that they hereby remove the objection to this planning application on the basis that, the applicant; in the event that planning approval is granted:

1. The applicant prior to the construction stage, has agreed to apply for an alteration to the overhead line in order to maintain the safety clearances required to these lines as evidenced in Revised Site Plan 1521 received on 15th February 2022 via the Public Planning Portal.

8.0 Recommendation and proposed Planning 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. No development shall take place until a landscaping plan including all existing natural screening to be retained and full details of all proposed native screen planting and a programme of works, have been approved by the Council, all planting shall be carried out in accordance with those details and at those times.

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

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

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

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another

tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

5. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

6. If any retained tree/hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree/ trees or hedgerow in the same location of a species and size as specified by the Council.

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

7. The development hereby permitted shall not become operational until the boundaries of the site as indicated A-B have been defined by a timber post and wire fence with (a native species hedgerow/trees and shrubs of mixed woodland species) planted on the inside.

Reason: To ensure the proposal is contained within the established business premises and in keeping with the character of the rural area.

8. The vehicular access, including sight visibility splays of 4.5m x 60m and any forward sight distance shall be provided in accordance with Drawing No. 2369-L02-Rev L published date on Consultee Hub 05th May 2026, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

9. Existing access onto Lisserboy Road and existing access onto Corcreechy Road via lane way to be permanently stopped as noted on Drawing No. 2369-L02-Rev L published date on Consultee Hub 05th May 2026

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

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

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

11. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage including a programme for implementation of these works have been submitted to and approved in writing by the Council.

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

12. No part of the development hereby permitted shall become operational until the developer has implemented and constructed the drainage solution in full on site as agreed by NI Water in condition 8. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

13. No development shall take place until proposed plans have been submitted to and approved by the Planning Department of the Council indicating the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features.

14. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such designs and assessments should be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice

15. The packing line operations, yard activities, deliveries and dispatches associated with the development hereby permitted shall operate only between the following hours:
- Monday to Friday: 09:00 to 18:00;
 - Saturday: 09:00 to 13:00;
 - No operations on Sundays or Public Holidays.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

16. No externally mounted fixed plant, refrigeration equipment, extraction systems, compressors, ventilation equipment or other mechanical plant shall be installed on the site unless details of the equipment, including predicted noise levels and any proposed mitigation measures, have first been submitted to and approved in writing by the Planning Department. The approved equipment shall thereafter be installed and operated in accordance with the approved details.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

17. Any external lighting installed on the site shall be designed, positioned and operated so as to prevent unacceptable light spill onto neighbouring residential properties and the adjacent public roads. Details of any additional external lighting shall be submitted to and approved in writing by the Planning Department prior to installation.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

18. The premises shall be used only for the purposes of falling within Class B4 (Storage and Distribution) of the Planning (Use Classes) Order NI 2015 (or any Order revoking or reenacting that Order) and for no other purpose.

Reason: To control land use.

Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3213/O	Target Date:
Proposal: Proposed demolition of existing dwelling and construction of 2no detached dwellings (Amended Proposal Description)	Location: Land immediately northwest of 12 Middle Tollymore Road, Newcastle, Down, BT33 0JJ
Applicant Name and Address: Brian Murphy 12 Middle Tollymore Road Newcastle	Agent Name and Address: Eoin Morgan 32a Bryansford avenue newcastle bt330lg
Date of last Neighbour Notification:	29 February 2024
Date of Press Advertisement:	27 September 2023
EIA Determination: EIA Not Required	
Consultations:	
<ul style="list-style-type: none"> • DfI Roads • DfC HED • Northern Ireland Water (NIW) • NIEA 	
Representations:	
Representations have been received from the following addresses	
<ul style="list-style-type: none"> • 12A MIDDLE TOLLYMORE ROAD • 6 MOUNTNORRIS • 8 MOUNTNORRIS, • 10 MOUNTNORRIS • 12 TOLLYMORE ROAD, 	
Letters of Support	0.0
Letters of Objection	9 – from 5 different addresses
Petitions	0.0
Signatures	0.0

Number of Petitions of Objection and signatures	
<p>Summary of Issues:</p> <p>The issues raised related to the</p> <ul style="list-style-type: none">• Access• Road Safety• Ecology• Close Proximity of proposed dwellings to neighbouring properites• Noise• Privacy• Overlooking• Historic Buildings	

Site Visit Report

Site Location Plan:



Date of Site Visit: 25.09.2024

Characteristics of the Site and Area

The site is comprised of a 0.22 hectares portion of ground which is accessed via a private lane off the Middle Tollymore Road which serves no.12 and 12a. The site is currently occupied by an existing dwelling (no.12) and garden area to the front (north-west) with residential development enclosing the site on all sides.

The site located within the settlement limit of Newcastle as designated in the Ards and Down Area Plan 2015. The site is also located within the Mourne Area of Outstanding Natural Beauty (AONB).

The surrounding land use is predominantly residential in character and the site lies adjacent to dwellings within Clanbrassil, Mountnorris residential development and those dwellings positioned along the Tollymore and Middle Tollymore Roads of Newcastle.

A mix of dwelling types are present within the area, density is considered low with detached properties set within mature plots typical within Mountnorris, Tollymore and Middle Tollymore Roads. Clanbrassil has a slightly higher density with its linear semi-detached layout.

Description of Proposal

Proposed demolition of existing dwelling and construction of 2no detached dwellings (Amended Proposal Description)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Enforcement

No enforcement directly related to the site.

Planning

R/2002/0465/F

Proposal: Demolition of existing substandard residential dwelling & store & construction of new 1 1/2 storey property with attached garage.

Decision: Permission Granted

Decision Date: 30 May 2002

R/2002/0422/F

Proposal: Extension to a dwelling.

Decision: Permission Granted

Decision Date: 20 June 2002

R/2007/0493/F

Proposal: Extension to dwelling

Decision: Permission Granted

Decision Date: 14 August 2007

R/2009/0529/F

Proposal: Alterations with rear and first floor extension.

Decision: Permission Granted

Decision Date: 17 July 2009

R/2013/0222/F

Proposal: Single storey utility room extension

Decision: Permission Granted

Decision Date: 03 October 2013

R/2014/0499/RM

Proposal: Proposed housing development including alterations to existing junction on Middle Tollymore Road and Tollymore Road, 56 units in total.

(Amended site location plans received)

Decision: Permission Granted

Decision Date: 27 April 2018

LA07/2020/1008/LDP

Proposal: Erection of 2No. 1m high concrete structures

Decision: Permission Refused

Decision Date: 22 January 2021

SUPPORTING DOCUMENTS

The application has been supported with the following

Application Form
Design and Access Statement
Bio-Diversity Checklist
Bat Emergence Report

Site Location Plan
Indicative Site Layout Plan

CONSULTATIONS

DfI Roads – No objections
DfC HED Historic Monuments – Content; Historic Buildings – Existing Building is pre-1830 vernacular building is therefore sensible to sympathetically rehabilitate and improve such vernacular buildings, rather than replace them.
NIW - Refusal. Subject to the applicant engaging with NI Water
NIEA - Content

REPRESENTATIONS

The application was advertised in the local press on 27th September 2023. Adjacent neighbours at Mountnorris, Middle Tollymore Road, Tollymore and Clanbrassil were notified of the proposal initially on 15th Feb 2024 and again on 21st Oct 2024 when the proposal description was amended to reduce the number of dwellings from three to two.

Objections / representations have been received from the following addresses

- 12A MIDDLE TOLLYMORE ROAD
- 6 MOUNTNORRIS
- 8 MOUNTNORRIS,
- 10 MOUNTNORRIS
- 12 TOLLYMORE ROAD,

EVALUATION

Environmental Impact Assessment

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 nor does it exceed the thresholds within column 2 of Schedule 2 (site area 0.22ha) of the Regulations, being a development on lands less than 0.5 hectares.

The development is however within a designated / a sensitive area, therefore an EIA screening determination is required. The screening concluded a nil determination and the proposal does not constitute EIA development.

PPS 7: Quality Residential Development

Policy QD1 provides the policy context for the proposal and states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

All proposals for residential development will be expected to conform to the listed criteria A -I

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

Given the outline nature of the proposal, details are not before officers regarding the proportions, massing, and appearance of the dwellings nor the proposed landscape and hard surfaced area. An indicative layout, has however been provided and supporting documents indicate that two 1½ storey dwellings are the preferred house type by the applicant on this site.

In assessment of this, officers consider, given the residential context of the site, suitably designed dwellings could respect the character and topography of the site.

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

The site is within the vicinity of a Schedule Monument DoW 049:005 (Enclosure). As such DfC Historic Environment Division (Historic Monuments) were consulted. They

have advised that on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

In order to facilitate the development, the applicant intends to demolish a structure immediately adjacent No 12 Middle Tollymore Road. This structure is noted to be of vernacular appearance, as indicated by Historic Environment Division in their consultation response. HED have advised that BH 15 of PPS 6 is applicable, however, this policy deals with the re-use / conversion of non-listed vernacular dwellings. The proposal does not seek to convert this dwelling, therefore its use would be misplaced. Officers note that the dwelling is not listed and therefore if the applicants wish to demolish the building they can do so without restriction. Further to this, there is no appreciation of this building from anywhere other than within the application site, therefore, public interest is limited and its removal from the site would detrimentally impact the public interest.

In terms of landscaping the site benefits from mature species as can be seen below. While formal details are not currently before officers as to how the site is to be developed, effort should be made to retain as much vegetation as possible, to maintain the character of the area.



(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 indicative layout below shows that there is adequate space within the site to make provision of private amenity space for each dwelling. Any forthcoming approval will be conditioned that existing vegetation should be retained as much as possible and any

new planting required will be carried to ensure the proposal does not have a detrimental impact on the area.



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

Neighbourhood facilities are not required as part of this development.

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

The development is located within the settlement. Public transport is readily available within walking distance of the site.

(f) adequate and appropriate provision is made for parking;

The parking requirement for this development is as set out in the Creating Places guidance document which states

Detached houses	3 bed	2.5	2.75	3.5	4.25
	4 bed	2.75	3	3.75	4.5
	5 bed	3	3.25	3.75	4.5

Officers consider that there is sufficient space within the site to provide the adequate and appropriate parking provision.

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

Given the outline nature of the proposal, detail on design is not currently available for consideration and assessment. However, officers would expect, in any forthcoming application, that the design of the development complies with this aspect of policy and respects the character of the surrounding area.

(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;

As above. given the outline nature of the proposal, detail on design is not currently available for consideration and assessment. However, officers would expect, in any forthcoming application, that the design and layout of the proposal would not create conflict with adjacent neighbours in terms of overlooking, loss of light, overshadowing, noise and other disturbance.

The indicative layout provides some notion of how the site may be developed, however, precise design and positioning of the dwellings could be addressed at reserved matters stage.

The plan below shows the separation distances between those dwellings at Mounthorris and Middle Tollymore Road



Officers note that those dwellings adjacent the site at Mountnorris are positioned on slightly higher ground and are typically single storey in nature. The rear elevations of Nos 6, 8 and 10 Mountnorris face the site and separation distances are noted to be limited, however the boundaries between these properties and the site are noted to be mature.

Officers consider careful design of the new dwellings will be required to ensure that those dwellings at Mountnorris are not overlooked or dominated.

While the agent has suggested in the supporting document that 1½ storey dwellings are preferred, careful design would be required.

Officers consider that single storey dwellings may be more appropriate, a reduced height would alleviate concerns from Nos 6 and 10 about being overlooked and similarly those dwellings opposite the site at Tollymore Road will not be overlooked.

A robust planting scheme would also alleviate concerns regarding overlooking.

No 12a Middle Tollymore will share access with the new dwellings. Its position adjacent the site ensures that its private amenity will not be affected, it is considered all proposed development will take place to the front of this dwelling, careful consideration will be required to ensure that this front area will not be dominated by the new development.

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

The layout could be designed in any subsequent application to ensure this aspect of policy is complied with so as not to lead to an unsafe environment for residents.

Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The indicative layout plan above shows that 2 dwellings on the proposed development site would not result in a density of development that is significantly higher than that found in the surrounding established residential area. The proposed plot sizes while indicative at this stage are comparable with those immediately surrounding the site. The details of dwellings size are not before officers, however, this would be considered and assessed in any forthcoming application.

Officers consider the requirements of Policy LC1 in so far as they relate to this proposal in principle have been met.

Natural Environment

PPS 2 – Natural Heritage - NH 6 - Areas of Outstanding Natural Beauty

In assessment of Policies NH 1-5 of PPS 2 the following is noted

The nearest Site of Local Nature Conservation Importance (SLNCI) – the Burren River is located 300m east of the site. Sites of Local Nature Conservation Importance (SLNCI's) are identified on the basis of their flora, fauna or earth science interest. The closest nationally designated site – the Shimna River Area of Special Scientific Interest (ASSI) is located c800m south. The nearest internationally designated site – Murlough Special Area of Conservation (SAC) is located c1.2km south-east of the site. There are no major watercourses within proximity to the site. The closest area of 'Ancient Type' woodland is located 600m south at St. Cillan's Fort.

The applicant commissioned the completion of a Biodiversity Checklist, Preliminary Ecological Assessment and Bat Survey work by ATEC NI and Starling Ecology respectively. A detailed study of the site and the ecology within it has therefore been carried out.

The reports concluded that in terms of trees, a veteran sycamore was present which should be retained within site.

In terms of protected species such as badgers, pine marten, squirrel and smooth newt the following was noted.

No evidence of badger activity was noted within the survey area during the current investigation. However, parts of the site were completely inaccessible due to the dense nature of scrub. Therefore, the site should be cleared with caution. If any mammal burrows are discovered, all work should cease until advice from an ecologist is obtained.

Pine Marten & Red Squirrels No signs of red squirrel dreys or pine marten nests were noted in the trees within the site. Therefore, the potential impact of the development on these mammals was assessed as 'Low'.

Smooth Newt No areas of standing water or suitable habitat for smooth newts was identified within the redline boundary of the application site. Therefore, the potential impact of the development on smooth newts was assessed as 'Low'.

The single storey dwelling within the site which is to be demolished to facilitate the development has been assessed as having moderate bat roost potential. Further work was carried out to assess this and it has been concluded by Starling Ecology that no roosting bats were recorded during the survey and therefore the proposed development is unlikely to have an impact on roosting bats.

A consultation with Northern Ireland Environment Agency (NIEA), who considered all of the information. NIEA have advised officers that on the basis of the submitted information, NED consider that it is unlikely that the proposed development will have any significant impacts on the site features of any Designated Sites.

Given the noted bat activity on the site, and the potential for bats to utilise the buildings, NED recommend that prior to commencement of any works to the buildings, they are checked by an ecologist. Should any roosting bats be found during works, all works must cease immediately, and further advice sought from the NIEA Wildlife Team. NED recommends that a condition to this effect is appended to any planning approval.

A mature tree within the site has been assessed as "PRF-I" and while no further bat surveys are required for trees of such classification, NED advises that if this tree is to be removed to facilitate the development, a check for bats is carried out immediately prior to removal and the tree is soft felled.

Officers, note from this statement that NED are content for the mature sycamore to be removed if necessary to facilitate the development, contrary to the ecologists view that it should be retained.

NED consider a number of conditions are necessary relating to the timing of the demolition of the buildings within the site and a check for bat presence prior to demolition. In addition conditions are considered necessary for the retention and protection of trees and hedgerow and sufficient compensatory planting should any be removed, along with submission of a lighting plan at reserved matter stage.

In summary therefore NED consider that the proposed development is unlikely to have a significant impact on protected species or other natural heritage interests, subject to recommendations and informatives.

As the site lies within an AONB, then Policy NH 6 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

It also states that "new buildings should respect local architectural styles and patterns. The proposal would have limited visual impact given its low-lying position and siting beside existing development. The introduction of two dwellings at this location would reflect the character and settlement pattern of the area, without harming the scenic value of the area.

As this is an outline proposal, appropriate conditions could be attached to ensure that the development reflect the styles of the area.

PPS 6 - Planning, Archaeology and The Built Heritage

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Road Safety & Parking

The proposal intends to use an existing access onto the public road.

PPS 3 – Access, Movement & Parking is therefore applicable.

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

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- (B) The proposal does not conflict with Policy AMP 3 Access to Protected Routes

In assessment of the above DfI Roads have advised the following

DfI Roads considers the application acceptable in principle subject to submission of detailed plans at reserved matters stage.

Northern Ireland Water – Sewer Network and Water Supply

Officers consulted with NIW regarding the proposal, to which NIW advised there are issues with the network capacity and they would recommend refusal for this development, subject to the applicant engaging with NI Water via a Waste Water Impact Assessment.

The agent confirmed on 20th March 2026, that a WWIA has been formally submitted to NIW ref: DS114530.

Officers consider it appropriate in this instance to place a negative condition on any forthcoming approval stating that development shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW and that no part of the development permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the above condition have been fully constructed and implemented by the developer.

Consideration of Objections

As noted above the following issues have been raised by objectors to the proposal.

- Access
- Road Safety
- Ecology
- Close Proximity of proposed dwellings to neighbouring properties
- Noise
- Privacy
- Overlooking
- Historic Buildings

In consideration of these issues, officers note that DfI Roads have no concerns regarding the access and road safety of the proposal. They stated in their consultation response “DfI roads acknowledge and considered the letter of objection submitted however, having carried out on site assessment DfI roads are satisfied that sight visibility splays of 2.0m x 45m are sufficient”.

The applicant has ensured that the ecology of the site has been thoroughly investigated. Officers consulted with NIEA to get their expert opinion that found and there are no issues of concern subject to conditions.

Officers acknowledge that the proposal will represent a change for neighbouring residents and while the proposal is considered acceptable in principle any forthcoming detailed plans should show that the proposed dwellings will be designed so as not to impact detrimentally on the amenity and privacy of the neighbouring dwellings.

In the event of an approval and subsequent development on site, there will be noise during the construction phases, however, this will be temporary in nature.

The comments from neighbours and those of Historic Environment Division regarding the building to be demolished within the site are noted. The building while considered vernacular, is not listed and has no protection under legislation from demolition. If the applicant wishes to demolish he can do so. Views of the building are very limited and its demolition is not considered detrimental to the public interest.

Neighbour Notification Checked	Yes
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Summary of Recommendation
APPROVAL

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

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

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

5. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 1, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

6. Within twenty-four hours prior to demolition, the existing buildings on the site, i.e. existing dwelling and adjoining outbuilding, shall be checked for bat presence by a competent ecologist, and all demolition works shall be monitored by a competent ecologist. A report of the works shall be submitted to the Planning Authority within 2 weeks.

Reason: To ensure protection to bats and their roosts.

7. No demolition of buildings or structures, or removal of vegetation shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. Plans at Reserved Matters shall show retention and protection of trees and hedgerows, where possible and sufficient compensatory planting with native species for the removal of any trees/hedgerow from the site.

Reason: To protect priority habitat and minimise the impact of the proposal on the biodiversity of the site.

9. At Reserved Matters, if any external lighting is proposed, a Lighting Plan must be submitted, which includes:
 - a. Specifications of lighting to be used across the site

- b. All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, including low lighting levels to be used across the site
- c. A map showing predicted light spillage across the site (clear, legible isolux drawing), showing a light spill of less than 1 Lux on boundary vegetation.

Reason: To minimise the impact of the proposal on bats and other wildlife.

10. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed dwellings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

11. As part of the reserved matters application a landscaping scheme shall be submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Case Officer Signature: C COONEY

Date: 1st June 2026

Appointed Officer Signature: B.Ferguson

Date: 03/06/2026

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2021/0809/F	Target Date:
Proposal: Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works	Location: Land at 189-197 Main Street Dundrum
Applicant Name and Address: Mr Owen Miskelly 36 Crabtree Road Ballynahinch	Agent Name and Address: The Courtyard 380C Belmont Road Belfast BT24 2NF
Date of last Neighbour Notification:	25 April 2025
Date of Press Advertisement:	10 May 2021
<p>ES Requested: No</p> <p>EIA Determination Under regulation 12 of the Planning 'Environmental Impact Assessment (EIA) Regulations (NI) 2017, the Planning Authority is required to make a determination as to whether the proposed development would or would not be deemed EIA development.</p> <p>While the proposal does not exceed the development threshold of 0.5 hectares given the site area is only 0.30 hectares, the site is located within an Area of Outstanding Natural Beauty (Mourne). It follows that the proposal will therefore fall within Schedule 2, being in a sensitive area. Category 10 (B) of the Planning Environmental Impact Assessment) Regulations (NI) 2017. Schedule 2: Category 10 (B) is the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks.</p> <p>In accordance with the regulations, a screening exercise was carried out to determine whether or not an EIA is required. The Local Planning Authority has determined through EIA screening an Environment Statement is not required.</p>	
Consultations: See Report	
Representations:	
Mr Allan Cooley 4 Keel Point	

Mr I Cummins 201 Main Street Mr R Cummins 42 Main Street, Dundrum Ms Iris Cummins 42 Main Street, Dundrum Dundrum Village Association 143-145 Main Street, Dundrum Mr Edward Halleron 1 Castle View Ms B Murdock 133 Main Street, Dundrum Mr R Macpherson 3 Derinilla Lane, Dundrum Mrs B Loftus 177 Main Street, Dundrum Mr C Trohear 1 Derinilla Lane, Dundrum Mrs P Trohear 1 Derinilla Lane, Dundrum Ms A Ferguson (previous Chairperson Dundrum Village Association) Mr R Croft 187 Main Street, Dundrum Mr R D Macpherson 3, Derinilla Lane, Dundrum Mr Noel Thompson (Current Chairperson Dundrum Village Association) Cllr Jill Truesdale Richard & Helen Croft Suzanne Boyd	
Letters of Support	0.0
Letters of Objection	39 (including more than one letter from objectors)
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Lands at 189-197 Main Street, Dundrum.



Date of Site Visit: 14/11/2022 last visit 4th March 2025

Characteristics of the Site and Area

The site is located on the north west portion of Main Street Dundrum on a vacant piece of ground. The site appears to have been developed previously, as there are patches of hard standing or floor resin to the east, which is considered to have been the floor of buildings. The eastern area of the site gently rises up to the north. 187 Main Street is at a higher in elevation than the site (to the south), with the seawall to Dundrum Bay situated approx. 50m to the south / east. The site is accessed off the A2 which is a protected route. The site lies adjacent to Derinilla Lane, which is a public right of way (Asserted PROW). A pair of semi-detached two storey dwellings are located along the roadside to the south west of the site (No 199 & 201 Main Street). Further to the south west is EveyIn Downshire Memorial Orange Hall, which is a red brick building set back off the road on higher ground, surrounded by a well-maintained grassed area. Adjacent to Derinilla Lane and to the northeast of the site are two listed buildings one a large detached 2-storey dwelling at No 187 Main Street (known as the Lodge) and the second at No 185 Main Street known as Manor House, both are grade B1 listed. The dwellings are well screened with mature planting which runs parallel with the boundary of Derinilla Lane. To the north of the site are other properties located along Derinilla Lane. There are parking bays opposite the site and an amenity area opposite with a pathway signposted for Keel Point. There is a wastewater pumping station fenced off opposite and to the north east of the site. There is a school and church located further along towards the centre of Dundrum. The area is mixed in use.

The eastern area of the site gently rises up to the north, there are concrete step in the central northern area. Then 187 Main Street is approx.1.5m higher in elevation than the site (to the south), with the seawall to Dundrum bay situated approx.50m to the south / east of the site.

Description of Proposal

Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works.

Planning Assessment of Policy and Other Material Considerations

The site lies within the settlement limit for Dundrum, within the Area of Townscape Character (ATC) (DM 5 of ADAP) and lies adjacent to a Local Landscape Policy Area (LLPA 1-DM 3): St. Donard's Church and adjoining Buildings and Surroundings: Dundrum.

Ards and Down Area Plan (2015) – The site lies within the settlement limits of Dundrum.

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 the Department's 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.

DES 2: 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.

Guidance

Development Control Advice Note 4 (DCAN): Restaurants, Cafes and Fast Food outlets
DCAN 15 Vehicular Access Standards
DOE Parking Standards

PLANNING HISTORY

Enforcement

Application Number: R/2006/0035CA
Decision: Enforcement Case closed
Decision Date: 2006
Proposal: Operational Devt

Application Number: LA07/2023/0578/CA
Decision: Enforcement case closed – Not expedient
Decision Date: 21/02/2024
Proposal: Alleged unauthorised fencing

Planning

Application Number: R/1976/0509
Decision: Permission Granted
Decision Date:
Proposal: Extension To Shop

Application Number: R/2003/0169/F
Decision: Permission Granted
Decision Date: 16 March 2005
Proposal: Replacement of existing dwelling/shop/office units and petrol sales with new petrol station and convenience shop.
Location: 189 - 197 Main Street, Dundrum

Application Number: R/2011/0034/LDP
Decision: Permission Granted
Decision Date: 11 February 2011
Proposal: Provision of finger post signage at various locations around Dundrum Village to accommodate walking routes.

Application Number: LA07/2019/1044/F

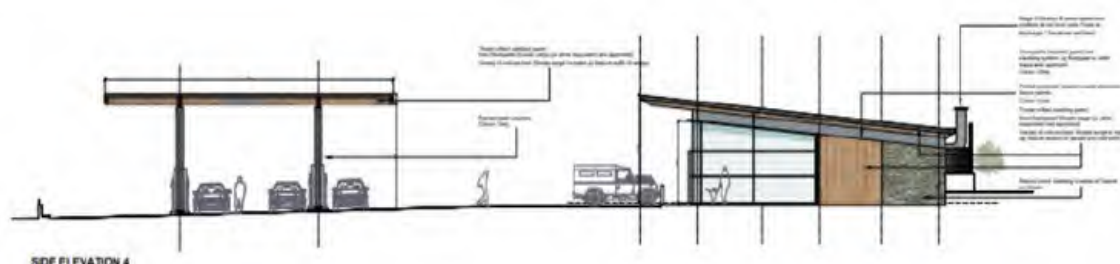
Decision: Permission Granted

Decision Date: 06 August 2021

Proposal: Removal of existing waste water pumping station, control building and fencing and provision of new waste water pumping station including below ground storage, 3 above ground kiosks, pole mounted telemetry aerial, new fencing and new access to public road.

Proposal

The proposal seeks full planning permission for a retail unit, 4 x pumps, forecourt with canopy, service/delivery area, 18 parking spaces with 2 spaces per pump and a lorry space. The retail unit would be single storey with a maximum height of 5.1m with a mono-pitched roof sloping down to 3.7m. As proposed on P1 form, its total gross floor space would be 283sqm. This would comprise 234sqm net retail sales, gross storage 21sqm (19.7sqm net) and gross ancillary development 14.2sqm (13.3sqm net). Pumps are proposed under a centrally located canopy. Car parking spaces for the ancillary retail unit would be located directly in front of the unit and along the periphery of the site. Access is proposed off Main street through the use of a right hand turning lane, where a one way system would be in operation through the site and exiting from the site through Dernilla Lane. Dernilla lane would be widened into the site to provide two way traffic.



Design & Access Statement

A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application lies within an Area of Outstanding Natural Beauty (Mourne AONB). The Design & Access Statement provides details of the design principles and concepts that have been applied to the development. The agent undertook consideration of the proposal in terms of the design principles and

concepts in relation to the size, layout, orientation and appearance. Proposed vehicular access, vehicular and pedestrian circulation, service access, waste refuse and recycling have also been considered.

PUBLICITY & CONSULTATIONS

Objections & Representations

In line with statutory requirements neighbours have been notified on 18.05.2021, 30.06.2021, 15.07.2021, 01.09.2021, 13.01.2022, 03.11.2022, 09.02.2023, 14.07.2023, 03.07.2024 and 25.04.2025. The application was advertised in the Down Recorder on 19-05-2021.

A Total of 39 letters of objection have been received, some from the same address point. All letters of objection have been read in full and are available to read on the planning portal. The main issues can be summarised below

- Increased traffic, road and pedestrian safety onto Main Street, impact on the right of way at Dernilla lane, egress and ingress issues, changes to the footpath. Impact on parking for No 199 and 201 Main Street. Lack of electric charging points
- Current site too small to accommodate the proposal
- Impact on built Heritage of the area
- Impact on wildlife in the area
- Pollution – in terms of noise and light
- Impact on other businesses in Dundrum
- No need for it – other PFS in the area
- Impact on neighbouring properties

This is a broad summary of the main issues highlighted in the objection letters. All objection letters have been read in full and are available to read on the planning portal.

Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region. It points out that it does not exist to protect the private interests of one person against the activities of another. The question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development. Rather, the question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

Taking this into account, the objection letters will be accorded appropriate weight as part of the decision-making process. The case officer met with some of the residents at the site on 14/11/2022 giving them the opportunity to talk through the main concerns regarding the proposal. Some of the objections will be dealt with by way of the consultation process and objections will be considered as part of the overall assessment of the proposal and its impact on neighbouring properties and the wider area.

Consultations

NI Water – Refusal. NI Water notes there is available capacity at the WWTW.

DFI Roads – No objections subject to conditions

Historic Environment Division – No objections subject to conditions

NIEA – Water Management Unit – Objects – based on NIW response

NIEA – Regulation Unit – No objections subject to conditions

NIEA – Marine & Fisheries – No objections

NIEA – Inland Fisheries – deleterious materials are not permitted to enter the aquatic environment and that appropriate attenuation should be in place before any works are carried out

Environmental Health – No objections subject to conditions

Shared Environmental Services - Objects

Dfi Rivers – No objections

Consideration and Assessment:

The main issues to consider in the determination of this application are:

- Principle of development
- Retail Impact
- Design and Appearance
- Residential Amenity
- Compatibility of development with adjacent land uses
- Access, Road Safety, Parking and Circulation
- Flooding and Drainage
- Impact on designated sites
- Other matters

The application was accompanied by, P1 form, site location plan, site layout, floorplans and elevations and the following documents

- Planning Cover Letter
- Design and Access Statement
- Transport Assessment Form (TAF)

- Service Management Plan
- External Lighting Report
- Noise & Odour Impact Assessment
- Preliminary Risk Assessment
- Drainage Assessment

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).

Policy SETT 1 – Settlement Limits of ADAP 2015 whereby favourable consideration will be given to development proposals within settlement limits including zoned sites provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form design and use of materials and is in accordance with the requirements and guidance contained in vol 2 and 3 of the Plan.

Planning permission has been previously granted on the site under application R/2003/0169/F – Replacement of existing dwelling/shop/office units and petrol sales with new petrol station and convenience shop which was granted permission on 16th March 2005. This application included a PFS with 4 pumps and an ancillary retail unit (247sqm) parking included 11 parking spaces with similar access and egress arrangements to this proposal.

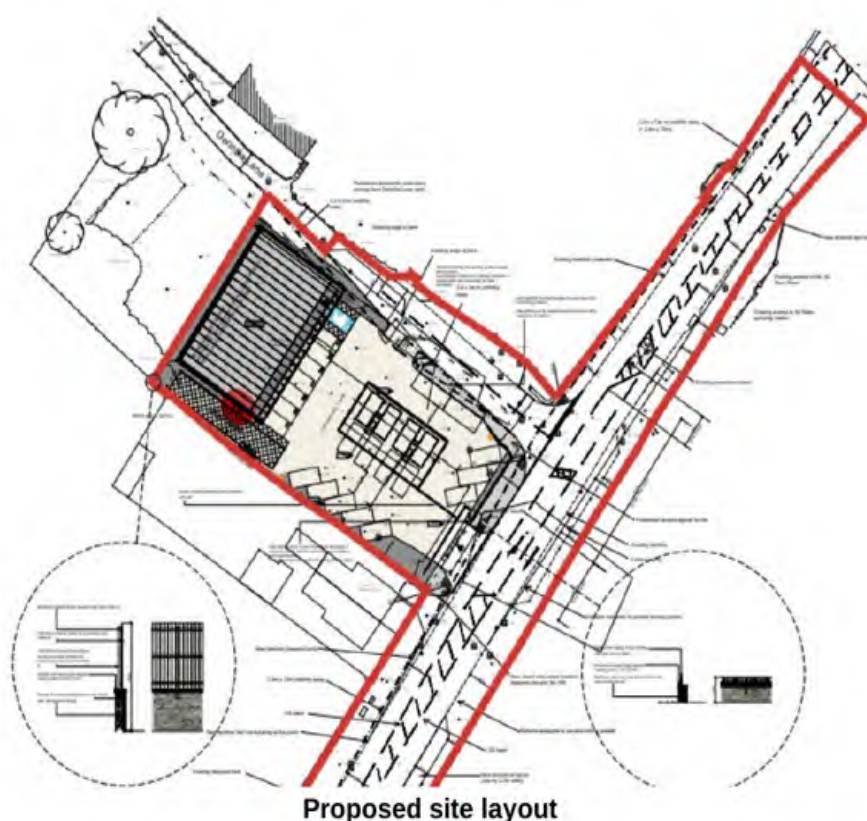
Open Space

The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy OS1 of PPS 8 Open Space, Sport and Recreation (PPS 8) operate a policy presumption against the loss of existing open space irrespective of its physical condition or appearance. Paragraph 4.11 of PPS 8 states that existing open space, regardless of whether it is identified on plan maps or not, benefits from the protection afforded by Policy OS 1 unless the site is identified for an alternative use in the plan itself (emphasis added). Officers consider that the site is land that has been previously developed and is now derelict and vacant and may be contaminated. The site has always been enclosed by metal gates from at least 2008 until this was replaced by wooden fencing from 2023 (google streetview). Officers consider that the protection of existing open space secured by OS1 is not applicable to the proposed development such that no further consideration of Policy OS1 is therefore required.

Principle of Development

The proposed development comprises two elements a Petrol Filling Station (PFS) and an associated ancillary retail use. Section 3 (4) (g) of the Planning (Use Classes) Order (NI) 2015, classifies a PFS as Sui Generis. It does not fall within the main town centre uses set out in the footnote to Paragraph 6.271 of the SPPS. These include cultural and community facilities, retail, leisure, entertainment and businesses. As such, there is no policy requirement for a PFS to be within a town centre. Policy IC 15 of a PSRNI relates to roadside service facilities. It states that their provision on the trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need. However, there is no equivalent need test for a PFS located within a settlement development limit, as is the case in this proposal. Consequently, there is no objection in principle to PFS element on the site.

The site lies within the settlement limit for Dundrum. The application site is not subject to any specific designation or zoning and is considered 'whiteland'. The ADAP does not include any policies that the proposal can be tested against in retail impact terms.



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.'*

As Dundrum is a village as per the ADAP 2015, then paragraph 6.278 would be relevant. Para 6.278 states that 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.

Most petrol filling stations now provide a wide range of retail goods in the associated shop. Many now function as the local shop or small supermarket serving the surrounding population. The important role of such retail provision is recognised. Such shops should, however, clearly remain secondary to use as a petrol filling station.

The requirement to submit a full assessment of retail impact as well as need is not engaged in this instance as the proposed development falls significantly below the 1000sqm gross threshold referred to in Paragraph 6.283 of the SPPS (280sqm gross floor space with 234sqm of retail sales area). The agent relies on the previous history of the site for a PFS. He states that Dundrum settlement does not have a village centre designation. In terms of the impact of the proposed development, given its size, scale and nature and the restriction of sale of goods to convenience items, and while it will increase competition in the area from competing retail premises, the impact would not be significant.

In considering the retailing element to this application, encompassing 234 sqm net floor space, for the main use to be considered Sui Generis, the retailing element of the proposal must be considered ancillary to the main Sui Generis use. In making this assessment officers have had regard to the size of the retailing area, the layout of the development; the nature of the retail unit and the functional linkage between the petrol filling station and the wider site.

Officers also have given regard to the layout and function of a petrol filling station development and will ensure that the retail element is controlled by condition, to ensure that no new retail floorspace or retail floorspace not linked to the function of a petrol filling station could be added without further permissions. Conditions will be added to the planning permission to control floorspace and the nature, range and function of retailing permitted:

Development Control Advice Note 4 : Restaurants, Cafes and Fast Food outlets states that 'Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises is excluded from any class specified in the Planning (Use Classes) Order (Northern Ireland) 2015, and use for the retail sale of hot food is explicitly excluded from Class 1 (Shops) of the Schedule to the Order. DCAN 4 explains the criteria and technical standards which are considered when dealing with proposals for restaurants, cafés and fast-food outlets. It applies throughout Northern Ireland to development proposals (including new buildings and changes of use) for the sale of food for consumption on the premises or of hot food for consumption off the premises. The guidance does not apply to premises such as sandwich bars selling cold food for consumption off the premises as these are classified as shops.

In this case it has not been detailed if there is a deli counter and specifically what food will be available from it, but there is reference to a Stage 3 filtration & odour abatement systems to hot food on the floorplans. It would be unreasonable not to expect a filling station deli counter to not include some hot food, and for this reason DCAN 4 is given weight to the consideration of this proposal. In terms of their uses, restaurants, cafés and fast-food outlets are therefore considered to be distinct from retail shops. In this case given the overall size of the unit and that a deli counter is considered to be a minor element of the overall proposal and has been designed to be an integral part of the shop layout and therefore cannot be sub divided or severed from the remainder of the building.

On this basis, officers could not sustain an objection on the location of this retail element of the PFS thus, the proposal would not have an unacceptable adverse impact on the existing facilities within the area.

Development in an Area of Townscape Character

The site is located within the existing development limits for Dundrum, located within an Area of Townscape Character (ATC) as per policy DM 05 of ADAP 2015 (Map No. 3/012).

The distinctive character, appearance, key features and intrinsic qualities of the designated area and the basis for its designation as an Area of Townscape Character derive from:

- the mature plantations and landscaping from the Castle, running through the village to Murlough Demesne;
- the conformity of the buildings in scale, style, materials, and finishes along Main Street;
- the interspersed period and historic buildings which articulate the street scene; and
- from seaward, the stone armouring of the railway line and the stone built quays of the harbour.

As there is no demolition involved on the site, then Policy ATC 2 titled New Development in an Area of Townscape Character is applicable from Addendum to PPS 6 (Areas of Townscape Character). Policy ATC 2 states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

Built Heritage

Planning Policy Statement 6 is titled Planning, Archaeology and the Built Heritage. PPS 6 states that sustainable development is at the heart of all government policy and is one of the key themes underlying the Department's approach to planning. In the pursuit of sustainable development is recognised that our archaeological and built heritage is a finite resource which requires effective stewardship.

The proposal is in close proximity to HB18 11 028A – The Lodge, 187 Main Street, Dundrum (Grade B1), HB18 11 028B – Manor House, 185 Main Street, Dundrum (Grade B1), as well as HB18 11 027 – St. Donard's C of I Church, Main Street, Dundrum (Grade B), which are all of special architectural and historic interest and are protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED) were consulted and from the outset had raised significant concerns with regards to the lights, totem poles, signage and other paraphernalia associated with a petrol filling station, within the setting of the listed buildings, when assessed under Policy BH11 (c) above. Amendments were sought in relation to the canopy, the level of glazing, the signage and advertising (however – any signage does not form part of this application). Concerns were raised regarding the

materials and the timber effect cladding – specified as a compressed fibreboard with faux timber coating and while natural materials are preferable in a setting, given the distance from the proposal to the nearest listed building, HED could not sustain an argument against the use of this material under PPS 6 BH11.

Previous comments relating to the canopy and position of lighting columns have been addressed by way of amended plans. HED Historic Buildings remains concerned in relation to the potential for future branding and signage typically associated with the proposed use as a Petrol Filling Station, however, as mentioned this does not form part of this proposal assessment. It is noted by HED, however, that totem poles and signage that normally accompany Petrol Filling Stations would be considered at odds with the character and appearance of the Dundrum Area of Townscape Character, which forms the wider setting to several nearby listed buildings. Any future application for signage will require very careful consideration under PPS6 BH11 criteria (b) and (c).

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 surrounding area comprises a mix of uses including residential and community uses. The immediate area comprises a mixture of single storey and 2-storey residential dwellings. The finish of the new building will include, timber cladding effect detailing and stone cladding and glazing to the front elevation.



In terms of the overall visual impact of the proposal and its appropriateness within this ATC, critical views will be mainly on approach from the NE heading in the direction of Newcastle and coming from the SW heading towards Dundrum village, when travelling along the frontage of the site. These views are considered short views and not long distance views. Views from Keel Point road would be limited. The proposal would also

be viewed from along Dernilla Lane which is a Public Right of Way (PROW). The agent has submitted a contextual street elevation as art of the assessment in terms of HED requirements, which was discussed above.



It is considered that given the road frontage location with acceptable set back position, together with the flat topography, backdrop of mature planting along Dernilla Lane and low-profile building it would be considered acceptable at this location. It is acknowledged that the canopy will be more visible from these viewpoints, however, following amendments this is also now deemed to be acceptable.

Following these amendments, there is no visual harm given its overall use. In this case the materials and finishes, layout, design and appearance of the proposed petrol filling station are all considered acceptable. The proposal would comply with DES 2.

Natural Heritage

Within PPS 2 Natural Heritage, Policies NH 1 – European and Ramsar Sites – International and Policy NH 3 - Sites of Nature Conservation Importance – National are relevant to the proposal.

The application site is in close proximity to national, European and international designated sites.

The application has been 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.

Following an appropriate assessment in accordance with the Regulations, SES advises that it cannot be certain, beyond reasonable scientific doubt, that this proposal will not have lasting adverse effects on the integrity of Murlough SAC in light of the conservation objectives for the site. The reason for this conclusion is as follows: On the basis of the information provided it cannot be determined that the development will not have an adverse effect on the site integrity of Murlough SAC through water quality deterioration from operational discharges which can lead to the sites failure to achieve its conservation objectives.

Para. 6.177 of the SPPS states that *'Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority **is required by law** to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.*

On this basis there is a statutory duty on the Planning Authority to carry out an assessment and in the absence of completed HRA it is contrary to NH 1 of PPS 2 (while it has moved on to stage 2 assessment, there is still an absence of information to rule out that the proposal will not have lasting adverse effects on the integrity of European sites). HRA is a legislative requirement that must be undertaken to rule out potential for likely significant effects.

The proposal would not comply with Policy NH1 PPS 2.

A Biodiversity Checklist & Ecological Statement were submitted as part of the application. The Biodiversity checklist note for planners and decision flow chart was used and on the basis of the findings by the ecologist – Natural Environment Division were not required to be consulted. The site is current vacant, the ecologist indicates that no evidence of mammals was observed on the site or in the immediate surrounding area. Given the nature of the security fencing around the site, it is considered unlikely that mammals would be able to gain access to the site. However, due to the potential presence of mammals in the wider rural landscape, contractors should be made aware of the potential presence of foraging and commuting mammals and use best practice working methods are recommended. Although there is expected to be habitat loss of grassland across the site, this area would be considered to have minor intrinsic ecological importance; therefore, the works are not expected to have a significant impact. Appropriate buffer zones and root protection zones must be established for any trees being retained on or adjacent to the site, in accordance with British Standards Guidance BS 5837 (BSI, 2012). On this basis the proposal would unlikely have any impact on protected species. No biodiversity issues are apparent on the site subject to informatives on any decision notice. The proposal would comply with policies NH2 and 5 of PPS 2.

Marine & Fisheries Division have also been consulted with regard to the proposal. The application site is set back from the marine environment behind a main road and vegetated areas. Marine and Fisheries Division has considered the impacts of the proposal on the marine environment and on the basis of the information held is content that there

should be no adverse impacts provided appropriate pollution prevention measures are implemented during construction and operation.

Shellfish Water Protected Areas

The application site is in close proximity to Inner Dundrum Bay Shellfish Water Protected Area (SWPA), which is designated under the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017. The Shellfish Water Protected Area contains commercial shellfish harvesting areas which must meet stringent bacteriological and chemical standards laid down in the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 and the Food Hygiene Regulations (EU 2017/625). This therefore must be taken into account when Coastal Development assessing any plan/project adjacent to a Shellfish Water Protected Area to ensure no contamination enters the area.

Inland Fisheries

Inland Fisheries has some concerns relating to the potential for deleterious materials to enter the adjacent water body during the construction phases of the proposed development, however, this can be attenuated for with appropriate mitigation. The location of the proposed development is noted, there is the potential migratory fish species, salmonids, eels and lamprey to be present along the shoreline adjacent to the site. Where there is the potential for the release of deleterious materials to the aquatic environment, the applicant must ensure that the nature of any discharges during the construction and operational phases are not to the detriment of these habitats. Inland fisheries notes the applicant's intention to discharge surface/storm water to a culverted watercourse adjacent to the site, the applicant should be aware that aquatic ecology can be impacted not only in the immediate area of works but also significant distances away unless comprehensive mitigation measures are applied. Inland Fisheries would recommend that deleterious materials are not permitted to enter the aquatic environment and that appropriate attenuation should be in place before any works are carried out.

NIEA – Water Management Unit

Water Management Unit has considered the impacts of the proposal on the surface water environment and would advise the proposal has the potential to adversely affect the surface water environment with regard to sewage disposal.

The application form states sewage will be disposed of to NIW foul sewer.

- The information currently available to Water Management Unit shows NIW foul infrastructure in the vicinity of this site.

- The consultation response from NI Water - Strategic Applications dated 03 Feb 2025 recommending refusal and stating that while the receiving WWTW has available capacity the receiving sewer network has capacity issues. The response further states the applicant will need to submit a Waste Water Impact Assessment (WWIA) to NIW and subject to successful outcome and subject to re-consultation, NI Water may reconsider its recommendation.

WMU state that if NIW confirm they are content and 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 and they recommend approval, then Water Management Unit would have no objection to this aspect of the proposal. Only 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 (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

The latest NI Water response indicates that a WwIA was submitted to NIW and received a Solution Engineer Report 27/09/2023. A WwIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer. A significant amount of time has lapsed since the submission, however, there still has been no positive progression to stage 2 of the WWIA. Planning cannot be conditioned until stage 2 of the wastewater impact assessment has been completed and signed off by NI Water with all necessary third-party sign offs in place. To date - NIW have not made contact with the case officer for this proposal to advise if they are in a position to revise their planning consultation response. The proposal is within odour zone boundary – Dunderum WwTW. Odour assessment. In response to this an Odour and Noise Impact Assessment was submitted which confirms the acceptability of the proposals on surrounding land uses. The agent indicates that the proposals are for a PFS/retail use which is not considered a sensitive receptor for the purposes of the Policy WM5 of PPS 11. As set out at Paragraph 10.2 of PPS11 only residential uses and public spaces are considered sensitive receptors to waste facilities, on this basis they have not submitted an odour encroachment assessment. Planning are content with this approach.

A Preliminary Risk Assessment (PRA) has been submitted by RSK Ireland Limited (RSK) & they identify potential pollutant linkages but of low risk to environmental receptors. RSK recommend that no further intrusive investigations are required. Regulation Unit support this conclusion and have no objection to the development provided Conditions & Informatives are placed on the Decision Notice, as recommended.

Policy NH 6 – AONB

Overall the proposal would not offend AONB Policy NH6 of PPS2 which considers new development the designated AONB. The proposal through the above assessment has already been assessed as respecting the local architectural styles and patterns, traditional boundary details, retaining features such as walls, local materials, design and colour.

As indicated above the proposal is contrary to the SPPS and NH 1 of PPS 2.

Residential Amenity

The impact on the local residents also has to be taken into account. There are concerns from an objector which directly relates to the bulk fuel relocation and other objectors have raised the issues of noise and parking/traffic.

On this basis Environmental Health have been consulted with regard to the proposal. A noise and odour impact assessment was submitted as part of the proposal. The submitted noise report, service management plan and external Lighting Analysis Report have all been considered along with objections and an acknowledgement that the PFS is located beside residential properties. These reports have been accepted by Environmental Health demonstrating that these elements of the proposal would not cause adverse harm to the living conditions of local residents. Suitable conditions will be imposed on this permission to safeguard the amenity of local residents. Concerns over the risk of fire/explosion from both naked flames and static electricity, Petroleum Companies have adopted the practice of night-time deliveries. All driver controlled deliveries/servicing to the underground fuel tanks will take place outside opening hours. This will ensure that there is minimal conflict with customer or staff vehicles, either static or moving, by the action of the petroleum spirit delivery. This is covered in the service management plan. The previous approval on the site is also a material consideration, whereby the access and delivery point was located in a similar position to this proposal.

Officers are of the view that if the PFS unit has a deli counter is not considered to be a 'fast food outlet' and as such the occupiers/future occupiers of the adjacent dwellings are unlikely to experience an adverse impact on their residential amenity (beyond the construction phase).

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 would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook. Objectors concerns have been taken into account and have not been given determining weight.

Access, Road Safety, Parking and Circulation

PPS 3 sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP 1 Creating an Accessible Environment The aim is to create a more accessible environment for everyone. Accordingly, developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development. The proposal includes parking bays for those with disabilities are indicated on the indicative site layout plan. There is a parking space located to the front of the proposed building and in respect of accessibility this would be acceptable.

Policy AMP 2 of PPS 3, states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

Policy AMP7 goes on to state *"the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards"*.

Policy AMP 9 Design of Car Parking 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.

In consideration of all of the above, the agent has submitted a Transport Assessment, and a number of letters from Lisbane consulting. The agent indicates that the site is ideally located to promote sustainable modes of travel. The site sits within a sustainable

village centre location with good quality pedestrian facilities along Main Street to the site, providing safe pedestrian routes to the development. The agent indicates that the site is also well served by public transport with Translink Service 320, 17, 26b, 237, 520 all travelling to the village and providing linkages well beyond the immediate settlement of Dundrum, including Belfast. Cycle parking is also proposed within the development, providing safe parking for customers and employees who cycle.

Based on DoE Parking standards

The main retail unit on 1 space per 14m². The sales area plus storage equates to a combined GFA of approx. 256sqm = 18spaces. Total car parking requirement = 18 spaces, (+1 space per pump and 1 waiting space at pump – in this case 4 pumps +8 spaces). The level of parking is considered to be acceptable.

In terms of how the car park operates, in terms of egress and ingress. DFI Roads had raised concerns in relation to vehicle and pedestrian safety. Concerns about the existing footway widths on Main street to be retained, concerns regarding two way traffic flow at Dernilla Lane, so that no vehicle exiting will cause an obstruction to any vehicle attempting to enter Dernilla lane, workable auto-tracking for tankers entering the site, concern regarding traffic turning right into Dernilla lane and traffic entering the right hand pocket to access the proposed PFS at the same time risking rear end shunt. A safety audit and exception report was requested. Given the restricted nature of the site, DFI Roads had required that the servicing of the underground tanks should be done out of opening hours as any servicing done during opening hours that would cause conflict between customer parking and internal vehicular movements which could then have an impact on overall traffic flow. Delivery vans are restricted to the 7.5T Box Van as illustrated on the Vehicle Tracking Drawings (Ref. 20-171-FT1-3-4). The service management plan therefore was required to be updated to reflect this. Using small rigid lorries or panel vans is considered appropriate as the tracking drawings have considered the largest vehicle servicing the site.

DFI Roads have required a significant amount of additional information in terms of how the proposal will operate in a safe manner including autotracking and concern was indicated in terms of tankers entering and exiting the site in terms of type and size of vehicles.

Therefore, officers in consultation with DFI Roads, the competent authority in these matters, have considered the transport implications likely to be generated by the proposed development and the conclusions drawn are that the proposed access can meet the requirements of DCAN 15 to adequately serve the development. It has also been demonstrated that the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic in accordance with Policy AMP 2 of PPS 3. In addition, operationally the design and layout of the car park, turning, circulation and

existing and entering the site has been fully assessed by DfI Roads including objections from local residents and DFI Roads now offer no objections subject to conditions.

Officers are therefore content that the proposed development accords with the SPPS and Policies AMP 1, AMP 2, AMP 7 and AMP 9 of PPS 3 and objectors concerns have not been given determining weight.

Flood Risk

DfI Rivers were consulted regarding the proposal and the proposal was assessed against policies FLD 1- 5 of PPS 15.

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water - PPS 15 FLD3 states that a Drainage Assessment will be required. FLD3 - Rivers Directorate has reviewed the revised Drainage Assessment by EDC Consulting, dated August 2025 and comments as follows: Rivers Directorate, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy of this Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Following consultation with Rivers Agency, Officers are satisfied that the proposed development will not raise any detrimental/adverse impacts upon drainage and/or flood risk matters.

Other Matters – NI Water

As mentioned previously given the uncertainty with regard to the designated sites, then it would not be possible to impose negative conditions on this application in relation to NI Water.

Public Right Of Way (PROW)

Derinilla Lane is a PROW. The council's Land Management officer was consulted with regard to the proposals to see if the proposal had an impact on the asserted PROW. The officer advised that they have no objections to the proposals in relation to the

adjacent public right of way. There was a query from a neighbour with regard to the hoarding that was erected around the site. From a PROW perspective the Land Management officer was content that the current hording is not encroaching onto the asserted public right of way. It is noted that an enforcement case was opened under LA07/2023/0578/CA for alleged unauthorised fencing. It has since been closed on 21/02/2024 as not expedient. This hoarding does not form part of this planning application.

Economic Consideration

SPPS Sections 4.18 – 4.22 state that planning authorities should take a positive approach to appropriate economic development proposals, whereby 'Large scale investment proposals with job creation potential should be given particular priority. In processing relevant applications, planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region.and must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment'.

It is considered that in principle of a PFS on this site could inject a level of vibrancy to the village which is of benefit to both the vitality and viability of the village, and create jobs both in construction and operation, however, this this cannot be at the expense or to the detriment on any designation or designated site and a precautionary approach must be taken. Appropriate weight has therefore been attached to the economic considerations as set out in the SPPS but on balance they do not outweigh the other planning concerns in relation to designated sites mentioned in this report.

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 and will be considered under any future application. Should the application be approved this can be dealt with by an informative.

Conclusion

Taking into account all material considerations including the objections from the local residents and the previous history on the site, the ADAP 2015 and the objections from consultees (including NI Water and SES, and taking a precautionary approach, these matters cannot be dealt with by the use of negative conditions and on this basis the proposal is contrary to SPPS and NH 1 of Planning Policy Statement 2.

Recommendation: Refusal**Refusal Reason:**

1. The proposal would if permitted be contrary to para 6.177 of the Strategic Planning Policy Statement (SPPS) and policy NH1 of Planning Policy Statement 2 - Natural Heritage, as it has not been demonstrated the proposal will not adversely impact on designated sites of national or international importance.

The Drawings upon which this refusal is based are as follows:

Drawing Title	Drawing Number	Revision	Date
Site Location	20.11.PL01D		16.10.20
Proposed Site Plan	20.11.PL03	O	09.04.24
Access Layout	20-171-A1i	I	Feb 24
Private Streets Layout	20-171-A10b	B	Mar 24
Tracking of Site Oil Tanker - IN Right & OUT Left	20-071-FT1		Mar 24
Tracking of Site Oil Tanker - IN Left & OUT Right	20-071-FT2		Mar 24
Tracking of Site 7.5T Box Van - IN Right & OUT Left	20-071-FT3		Mar 24
Tracking of Site 7.5T Box Van - IN Left & OUT Right	20-071-FT4		Mar 24
Proposed PFS Floor Plan	20.11.PL04	C	27.01.23
Proposed PFS Elevations	20.11.PL05	B	10.07.23
Contextual Elevations	20.11.PL06	B	03.08.22
Contextual Elevations 2	20.11.PL07	B	10.07.23
Pedestrian access	20-171-PA1		Oct 22

Neighbour Notification Checked

Yes

Summary of Recommendation – Refusal – as above

Case Officer Signature: C Moane

Date: 5th December 2025

Appointed Officer Signature: B.Ferguson

Date: 08/12/2025



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

ADDENDUM TO REPORT

Application Reference: LA07/2021/0809/F

Date Received: 23.04.2021

Proposal: Erection of Petrol Filling Station to include electric charging points for electric/hybrid vehicles, underground fuel storage tanks and ancillary works

Location: Land at 189-197 Main Street, Dundrum

Background

The application was presented on the delegated list of W/C 8th December 2025, with a recommendation for refusal, based on potential adverse impact on designated sites of national or international importance.

Refusal Reason:

1. The proposal is contrary to Planning Policy Statement (SPPS) and policy NH1 of Planning Policy Statement 2 - Natural Heritage, as it has not been demonstrated the proposal will not adversely impact on designated sites of national or international importance.

The application was subsequently removed from the list at the request of the applicant. The refusal reason relates to the impact on the designated sites in conjunction with NI Water issues and therefore it was felt that further discussions with Shared Environmental Services (SES) were warranted to see if a resolution could be found. The agent had requested that this all be dealt with through the use of negative conditions. SES were contacted and an online meeting was held on 16.12.2025. SES continued to have concerns given that the impact works would be outside of the red line. Similar types of planning appeals cases were also discussed at the online

meeting. This meeting resulted in formally consulting SES on 16-12-2025 where they subsequently responded on 14-02-2026 indicating that in order to undertake a full assessment of this proposal, including potential detrimental effects on Dundrum Bay SAC arising during the proposal's construction and operational phases, SES requires sight of the agreed WWIA and Solution Engineer Report. The report was made available for SES to view and a final substantive response was received on 22nd April 2026.

In their response SES indicate that the proposal site is in close proximity to and hydrologically connected to Dundrum Bay SAC. SES notes NIW consultation response 03/02/25 recommending refusal. The downstream catchment is constrained by overloaded sewage infrastructure including one or more downstream Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment through discharges to Dundrum Bay.

NIW also states

"WWIA submitted to NIW ref DS41558, received a Solution Engineer Report 27/09/2023. A WWIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer".

SES advise that in the absence of an agreed solution for wastewater the conclusion of the appropriate assessment (21/06/22) remains valid:

'The appropriate assessment has concluded that on the basis of the information provided an adverse effect on site integrity cannot be ruled out as a result of operational discharges from the proposal. This is contrary to the conservation objectives for Murlough SAC and an adverse effect on site integrity cannot be ruled out'.

The appropriate assessment found that it cannot be certain, beyond reasonable scientific doubt, that the project will not have lasting adverse effects on the integrity of one or more European sites. Approval of this project would not comply with Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) or meet the policy requirements of Policy NH1 of Planning Policy Statement 2 Natural Heritage. No evidence has been provided to demonstrate that any exceptional circumstances detailed in NH1 apply.

Planning permission can only be given following an appropriate assessment where the decision-maker is certain, beyond reasonable scientific doubt, as to the absence of lasting adverse effects on the integrity of designated sites. If reasonable doubt remains, permission must be refused. SES therefore advises that, in this instance, a negative condition is not recommended.

The agent was notified of the consultee response by SES to not recommend a negative condition.

The agent via an email on 28th April 2026 indicates that this is contrary to the approach taken in LA07/2023/2274/F where the HRA confirms that the WWIA was nowhere near complete, however the negative condition was considered to completely negate potential impacts at its source: The agent quotes

"There is currently doubt as to the foul discharges generated at operational phase. NI Water has advised of capacity infrastructure issues in the adjacent foul sewer. A wastewater report is awaited. Given the lack of certainty of connection, mitigation will be required to ensure no potential adverse effects at operational phase. Likely Significant Effects was concluded at HRA Stage 1. An operational foul sewage provision mitigation condition was assessed in Section F above"

"Adherence to the Sewage mitigation condition recommended in Section F will negate at source the potential for inappropriate operational discharges reaching this feature to cause adverse impacts".

The agent indicates that the negative condition applied to LA07/2023/2274/F reiterates that the method of sewage disposal had not yet been agreed at the time of decision:

"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 for foul sewage has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU"

SES have responded by indicating that the circumstances for this case are not 'like for like' and these particular circumstances are distinguishable. In this particular case, NIW had indicated there was available capacity and recommended approval subject to conditions. The SES advice to the Council remains valid.

Conclusion

Based on the assessment above, officers remain in agreement with the statutory advice provided by Shared Environmental Services (SES). The issue remains that a viable, deliverable solution for wastewater treatment has not been agreed upon with NI Water. Without this, officers cannot rule out adverse effects on the integrity of the Dundrum Bay SAC and Murlough SAC.

As the competent authority, the Council must be satisfied beyond reasonable scientific doubt that the development will not damage these protected sites. Given the current lack of a complete WWIA and the ongoing issues with downstream discharges, that certainty does not exist. Furthermore, in line with legal precedent and SES advice, a negative condition is not appropriate where the solution involves works outside the applicant's control and the impact remains uncertain.

Recommendation: Refusal

The proposal fails to meet the requirements of the SPPS and Policy NH1 of PPS 2. Consequently, the recommendation for refusal stands.

Refusal Reason:

Revised refusal reason:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH1 of PPS 2 (Natural Heritage) as it has not been demonstrated that the development will not adversely affect the integrity of the Murlough SAC and Dundrum Bay SAC. In the absence of a Wastewater Impact Assessment (WwIA) and a solution deemed deliverable by NI Water, the Planning Authority cannot conclude, beyond reasonable scientific doubt, that operational discharges will not damage these designated sites. Consequently, the proposal fails to comply with Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995.

Case Officer: C Moane

Date: 30th April 2026

Development Management Consideration

The statutory consultation response from Shared Environmental Services (SES) is noted. Notwithstanding the environmental reservations raised by SES, Senior Management and the Council's Legal Services have reviewed the matter and concluded that the use of a negative condition is appropriate in this specific instance.

This negative condition will ensure that no physical development or site works may commence on-site nor can the development become operational, until a viable, fully deliverable wastewater treatment solution is agreed with NI Water and implemented. The use of this negative condition would negate at source the potential for inappropriate operational discharges reaching the designated sites and therefore eliminate any potential risk for the development to adversely affect the site integrity of Murlough SAC and Dundrum SAC. Development Management are now content to recommend approval with negative conditions on this basis.

N.B. As the Planning Authority are going against the advice of a consultee, namely Shared Environmental Service (SES), using negative conditions and there are more than 6 objections from 6 different addresses this application will have to be presented to the Planning Committee.

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

Group decision/recommendation:

Approval

D.M. Group Signatures B.Ferguson

P.Manley

Date 01/06/2026

Draft 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 approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development,

including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.
Reason: To ensure the appropriate foul and surface water drainage of the site.

3. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 2, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

4. The vehicular access / egress, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. **19-176-C10**, 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.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing 20-171-A10b Road Details published 3rd July 2024, 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. 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 20-171-A10b Road Details bearing the date stamp 3rd July 2024. 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.

7. The Operator of the development hereby approved will be required to comply with the requirements set out within the Servicing Management Plan. Any goods deliveries to be take place between the hours of 07.30am and 08.30am, Fuel storage tanks to be serviced outside opening hours and to be carried out by a Rigid Tanker as specified in the Servicing Management Plan.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users and to ensure that there is minimal conflict with customer or staff vehicles, either static or moving, by the action of the petroleum spirit or goods delivery.

8. No other development hereby permitted shall become operational until the footway indicated on drawing no **19-176-C10** bearing the date stamp 10/06/2022, 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.

9. The gross floor space hereby permitted shall not exceed 280 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 234 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.

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 13; 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. All deliveries and removals to and from the site must be in accordance with the Service Management Plan, Ref 013-11 dated 6 April 2021, and specifically should be no deliveries or removals before 07.30 or after 21.00 Monday to Saturday and none on Sundays.

Reason: To safeguard the living conditions of residents in nearby properties.

18. The content of the External Lighting Analysis Report dated March 2021 prepared by Bennett Freehill shall be implemented.

Reason: In order to prevent unnecessary light intrusion to nearby residential property.

19. The construction and operation of the development shall not cause an odour, dust or noise nuisance to the nearby residential properties.

Reason: To safeguard the living conditions of residents in nearby properties.

20. No signage, including totem poles with branding logos shall be fixed to the building, free-standing canopy or placed anywhere on the application site other than those shown on the drawings hereby approved.

Reason: To ensure the use proposed respects the character of the setting to the listed buildings, in compliance with PPS6 BH11, criterion (c).

21. Prior to commencement of external works, a 1m x 1m square panel of the natural stone boundary walling, to include bond pattern, mortar mix and coping shall be prepared for approval in writing by the Council.

Reason: To ensure the materials proposed are traditional or sympathetic and respect those found on the listed buildings, in compliance with PPS6 BH11, criterion (b).

22. Prior to commencement of relevant works, samples of the following external facing materials shall be submitted to and approved in writing by the Council:

- a. Composite insulated roof panels and associated fascia, bargeboards and rainwater goods

- b. Timber effect cladding

c. Polyester powder coated glazing system

Reason: To ensure the materials proposed are traditional or sympathetic and respect those found on the listed buildings, in compliance with PPS6 BH11, criterion (b).

Informatives

1. The purpose of the Conditions 13 and 14 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.

The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section. The Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure's Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

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. 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

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. 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.

14. 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>

15. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

16. 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.

17. 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.

The plans to which this approval relate include:

Drawing Title	Drawing Number	Revision	Date
Site Location	20.11.PL01D		16.10.20
Proposed Site Plan	20.11.PL03	O	09.04.24
Access Layout	20-171-A1i	I	Feb 24
Private Streets Layout	20-171-A10b	B	Mar 24
Tracking of Site Oil Tanker - IN Right & OUT Left	20-071-FT1		Mar 24
Tracking of Site Oil Tanker - IN Left & OUT Right	20-071-FT2		Mar 24
Tracking of Site 7.5T Box Van - IN Right & OUT Left	20-071-FT3		Mar 24
Tracking of Site 7.5T Box Van - IN Left & OUT Right	20-071-FT4		Mar 24
Proposed PFS Floor Plan	20.11.PL04	C	27.01.23
Proposed PFS Elevations	20.11.PL05	B	10.07.23
Contextual Elevations	20.11.PL06	B	03.08.22
Contextual Elevations 2	20.11.PL07	B	10.07.23
Pedestrian access	20-171-PA1		Oct 22

The approval should also be read in conjunction with:

Service Management Plan

External Lighting Report - March 2021 prepared by Bennett Freehill

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/2910/F	Target Date:
Proposal: Proposed Change of an Existing Chemist to a Butchers Shop (non class change) with internal alterations. Change of First Floor 4 Bedroom Apartment into a 2 No 1 Bedroom Apartments and associated works. (Amended Description)	Location: 1 The Square, Annalong, Newry, BT34 4TS
Applicant Name and Address: Andrew Beck 33 main street Annalong	Agent Name and Address: Glyn Mitchell 19 The Square Kilkeel
Date of last Neighbour Notification:	16 February 2024
Date of Press Advertisement:	2 November 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • DFI Roads – No objections in principle to this proposal on the basis that Planning are satisfied there will be no need for additional off street car parking for this proposal (15/02/2024). • Historic Environment Division (HED) – HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED Historic Buildings has been consulted to consider the impact of the proposal and advises the application poses no greater demonstrable harm to the setting of the listed building with respect to SPPS 6.12 and BH11 PPS6. HED notes that there is very little proposed change to the exterior of the building. (03/05/2024) • Northern Ireland Water (NI Water) – Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation. (18/09/2025 & 15/04/26) • Environmental Health Department (EH) - Environmental Health have no objections subject to a condition in regards to plant and equipment: (08/08/2025) 	
Representations: None received.	
Letters of Support	0.0
Letters of Objection	0.0

Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: June 2025

Characteristics of the Site and Area

The application site as outlined in red is located on the northern side of Main Street, Annalong. It consists of a corner plot on which sits a two-storey building with frontage to both the Main Street and The Square. Immediately to the rear (east) is a single storey dwelling (No. 9 Main Street) with concrete hardstanding positioned between it and the application site. To the north, the subject building within the application site adjoins a two-storey dwelling (No. 5 The Square). At the time of inspection, the subject building was vacant and appears to have been unoccupied for a number of years.

On street car parking is noted within the adjacent streets. A variety of uses are noted within the area including retail, professional & residential.

The site sits just south of the Annalong Harbour area. It is positioned within the settlement limits of Annalong and within the designated Mourne Area of Outstanding Natural Beauty and an area of Archaeological Potential.



Description of Proposal

Proposed Change of an Existing Chemist to a Butchers Shop (non class change) with internal alterations. Change of First Floor 4 Bedroom Apartment into a 2 No 1 Bedroom Apartments and associated works.
(Amended Description)

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- Parking Standards
- PPS 7- Quality Residential Environments
- Addendum to PPS 7- Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements
- Creating Places

PLANNING HISTORY**Planning**

- Application Number: P/2002/0623/F Decision: Permission Granted
Decision Date: 18 December 2003
Proposal: Proposed improvements to existing streetscape.

SUPPORTING DOCUMENTS

- Full set of plans
- Application Form

CONSULTATIONS

- DFI Roads – No objections in principle to this proposal on the basis that Planning are satisfied there will be no need for additional off street car parking for this proposal (15/02/2024).
- Historic Environment Division (HED) – HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED Historic Buildings has been consulted to consider the impact of the proposal and advises the application poses no greater demonstrable harm to the setting of the listed building with respect to SPPS 6.12 and BH11 PPS6. HED notes that there is very little proposed change to the exterior of the building. (03/05/2024)
- Northern Ireland Water (NI Water) – **Refusal**. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation. (18/09/2025 & 15-04-26)
- Environmental Health Department (EH) - Environmental Health have no objections subject to a condition in regards to plant and equipment. (08/08/2025)

REPRESENTATIONS

Neighbour notification and advertising of this application was undertaken in line with the statutory requirements. There were no third-party representations received.

EVALUATION

During the processing of this application the agent submitted amended plans and amended the proposal description in light of concerns raised by the Planning Department. The assessment below is of the amended scheme.

This proposal seeks full planning permission for the change of use of the existing 4-bedroom residential apartment at first floor level to two one-bedroom apartments with a change of use at ground floor from a chemist to a butcher's. A small change is proposed to the external makeup of the building whereby ground floor windows will be replaced with a double door opening or a single door opening. All other works are confined to internal renovations See below proposed plans.



Banbridge / Newry and Mourne Area Plan 2014

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, state, 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.

The site is currently within the remit of the Banbridge / Newry and Mourne Area Plan 2015 (BNMAP) as the new Council has not yet adopted a Local Development Plan. The BNMAP identifies that the site is located within the Development Limit for Annalong and within, an Area of Archaeological Potential and the Mourne Area of Outstanding Natural Beauty.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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 3.8 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."

The current policy provision within the SPPS states that retailing will be directed to the primary retail core and town centres first. Annalong is defined under the current BNMAP as a village. The SPPS para 6.278 states that, policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach of town centres and retailing.

On checking, there is no planning history associated with this building. Google Streetview imagery demonstrates the ground floor of the premises has been unoccupied for a lengthy time, however signage is visible in imagery that would confirm it was previously used as a chemist. The change of use proposal of the ground floor is within the same use class, Class A1: Shops. Consideration is required of the impacts resulting from changing the first-floor arrangements to form two one-bed apartments

The proposed change of use, given its location centrally located within the village and within the settlement limit, will ultimately enhance the vitality of this area of Annalong, bringing back into use a vacant property. The principle of development is therefore considered acceptable and does not offend the current policy provision contained within the SPPS.

There are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when managing development.

Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing and residential amenity. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

The application site is adjacent to residential properties with a residential use proposed at first floor level. Environmental Health (EH) were consulted as part of the processing of this planning application for their input on matters relating to public health resulting from the change and provision of new plant and equipment. A Noise Impact Assessment was provided for their assessment. In their response, EH advised that following clarification from the applicant's agent, the proposed cold store for the butchers will operate with an internal motor only, with no external condenser or plant, this removes the primary concern raised in relation to potential external noise impacts on nearby sensitive receptors. Environmental Health offered no objections and have made the following comment:

- *"CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011 1. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors."*

The above will be attached as a condition to any future approval on this application site to ensure no resulting impact on residential amenity.

Taking the above into account, the Planning Department are content that the development will not result in any adverse impacts in respect of amenity/noise etc. to neighbouring properties. As this application relates to a change of use with a small alteration to existing GF openings, there are no concerns regarding overlooking, light loss, dominance etc. arising beyond that pre existing.

PPS 6- Policy BH 11

The application site is in close proximity to the following listed building, HB16/01/070 The Harbour, Annalong. Grade B2, which is of special architectural or historic interest, protected by Section 80 of the Planning Act (NI) 2011. HED (historic Buildings) has considered the application and based on the information provided, advises that the proposal has no greater demonstrable harm on the settling of the listed buildings than the existing building. This response has been reviewed whereby the Planning Dept concur that given the extent of the existing built development on the site and nature of this proposal, the proposals will not result in any greater demonstrable harm on any LB than that pre existing. The proposal is compliant with the policy requirements of the SPPS and Policy BH 11 of PPS 6.

Planning Policy Statement 3: Access, Movement and Parking

Parking Standards

DFI Roads have been consulted on this proposal and have responded to advise of no objections to the development on the basis that there are no additional off-street car parking requirements.

There is no off-street parking proposed and currently none existing for this building. All vehicular parking is accommodated on street. The change of use at ground floor, given

that the proposed use falls within the same use class with no extension to the floor space for retail, is not considered to increase parking demand. While it is noted the building is currently unoccupied and has been for a number of years, a retail use and residential use at FF could become operation without the need for any planning permission.

On considering the changes proposed at first floor level within the building, the level of parking required for two, one-bed apartment is set out in the table below, taken from the Parking Standards (2005) DoE.

Table 7 Total number of parking spaces per dwelling required for apartments and houses that have only communal parking provision.

	Dwelling size (bedrooms)	Total no. of parking spaces required per dwelling (unassigned spaces)	Total no. of parking spaces required per dwelling (assigned spaces)*
Apartments	Bedsit and 1 bed	1.25	1.5
	2 bed	1.5	1.75
	3 bed	1.75	2.0
Terrace houses	1 and 2 bed	1.5	1.75
	3 bed	1.75	2.0

*Communal parking areas with assigned spaces will not be adopted for future maintenance by the Road Service.

Table 8 Total number of parking spaces per dwelling required for houses that have in-curtilage parking provision.

The first-floor revisions to provide for two, one-bed apartments would require a total of 2.5 unassigned parking spaces in accordance with the table above. The agent has advised that the first floor of the building is an existing 4-bedroom apartment and in terms of the parking standards he considers this requires 2.5 car parking spaces.

As outlined above, the current situation is that there is only on-street parking for the subject building. During inspection of the application site, the case officer witnessed vehicle parking along both sides of The Square and Main Street. It is not considered the change from a four-bed apartment to two, one-bed apartments creates a significant rise in vehicles attracted to the site. Parking demand could therefore be accommodated within the surrounding area, as is the existing arrangement, without impacting adversely on the current on-street parking situation in the local area. The site is also well served by local bus transport network with only a short walk to the closest bus stop.

In terms of unit size, on measuring, both units will provide above the minimum floorspace required (35/40m²) as stipulated for 1person / 1-bedroom flats in Annex A of PPS7 (addendum).

PPS2 Natural Heritage

The site lies within the Mourne Area of Outstanding Natural Beauty (AONB) and the policy requirements of NH6 have been noted. It is not considered that the change of use proposal and the proposed works would harm the existing setting of this building within the AONB. Only minimal external works are proposed with the majority of work taking place internally. The building is currently vacant and a proposal to bring it back into use is welcomed. The proposals retain the overall scale, design, finishes and appearance of this well proportioned building which is welcomed and considered appropriate to this sensitive setting.

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

AS noted above the application site is included in an AONB and is positioned approx. 52m south of Annalong Harbour. With regards biodiversity and ecology, the change of use nature of the application and minimal works proposed, are noted, whereby the site and building conditions are such that it is considered the proposal subject of this application will not result in loss of trees nor grass land and will not result in any harm on biodiversity or habitat or any protected species, thus no further ecological info is required. The works are confined to previously developed land and do not involve the loss of any landscaping or natural habitats. Given the limited scale and nature of the proposal, along with the location within an already developed footprint and setting, together with the condition of the building which is fully intact, it is considered that the development would not give rise to any significant impacts on biodiversity. The submission of a BDC is not considered necessary or proportionate in this case.

The proposal is not considered to offend policies NH 2 and 5 of PPS 2.

Other matters

Consultation was undertaken with NI Water on this proposal with their initial response advising *Approved with standard planning conditions* dated 05/02/2024. It was noted by NI Water that this response will only be valid for a maximum period of 18 months from the date of this consultation response and should Planning Approval not be granted within this period, a re-consultation will be required to review public sewerage availability and to confirm NI Water's recommendation of this development proposal.

On expiry of this response, re-consultation was undertaken with NI Water on the 10th September 2025. In their latest response, dated 18th September 2025, NI Water advised *Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation.* It was further stated by NI Water that an assessment indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the

public sewerage system are curtailed. The Applicant is advised to consult directly with NI Water. The applicant will need to submit an application to NI Water for a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. Subject to successful outcome and subject to re-consultation, NI Water may reconsider its recommendation. NI Water further advised the downstream catchment is constrained by an overloaded Sewer, where existing customer properties have suffered internal and/or external flooding, and remain at risk of further flooding. The addition of flow from this proposal will lead to further disamenity of these existing customers. This information has been validated, verified and signed off by Northern Ireland Utility Regulator. The catchment is further constrained by one or more downstream Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment. There are Unsatisfactory Intermittent Discharges (UID's) at Harbour Main Street CSO which discharges to South Down.

An email was issued to the agent on the 26th September 2025 advising of NI Waters response and their recommendation of refusal and advice was given for the agent to consult directly with NI Water. The Planning Department queried the consultation response with Emma Hunter and Padraig McCaughy from NI Water and it was confirmed that the response was determined on the basis of the property not having been in use the past 5 years, as evident of Google Streetview and the proposal therefore would be deemed an intensification of both foul sewerage and surface water discharge.

The agent has advised that the building has not been disused and the applicant has continuously used the subject building as a plumbing store/work area and the toilet and sink remain in place and functional and therefore the building has remained in active use. The agent queried with the case officer in an email dated 20th November 2025 about amending the current planning application to remove the change to the residential element at first floor level and proceed only with the change of use at ground floor level. While it has been noted above the use change from chemist to butchers falls within the within the same use, given that NI Water advise of intensification resulting as it is their opinion the building hasn't been in use for five years, the applicant was directed to discuss this directly with NI Water.

On advising NI Water as per the agent comments on continual usage of the building, their opinion remains the same in that a single individual using the premises for storage/work purposes would generate a significantly lower and intermittent demand than that associated with the proposed two residential units, in addition to the separate commercial use (butcher's), which would be expected to result in regular and sustained water usage, including foul flows associated with domestic occupation and commercial food preparation. As such, NI Water considers that the proposal would result in an intensification of use and an increased loading on the existing infrastructure. NI Water also advised that if the applicant wishes to demonstrate that the premises has been in continuous use at a level comparable to the proposed development, NI Water would require robust evidence to support this. In the absence of such evidence, NI Water

<p>must base its response on the proposed use as submitted. This was put to the agent for commenting on.</p> <p>Almost five months have passed since the agents last correspondence with the Planning Department on this application. An email was sent to the agent on 30th March 2026 enquiring if it was their intention to submit anything further to address NI Waters' outstanding issues. A further follow up email was issued to the agent on the 17th April 2026 advising of NI Waters latest comments. To date a response has not been received and no evidence of engagement with NI Water by the agent with regard to an alternative drainage or treatment solution to address the indicated network capacity issues has been received.</p> <p>The Planning Department acknowledges the agents correspondence and comments regarding the refusal recommendation on this application by NI Water. NI Water is a statutory consultee to the Planning Department with regards to proposals likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.</p> <p>While the Planning Dept acknowledges the former use of the building, the position of NIW has been clearly set out, who have recommended refusal. The application will proceed on this basis.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p><i>Refusal</i></p>	
<p>Refusal Reasons:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement as it has not been demonstrated that there is sufficient capacity within the sewerage network to accommodate the proposals, which therefore establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. 	
<p>Case Officer Signature: Laura O'Hare</p>	
<p>Date: 11 May 2026</p>	
<p>Appointed Officer Signature: M Keane</p>	
<p>Date: 11-05-26</p>	

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

WRITTEN REPRESENTATION

Reference No: LA07/2023/2910/F

Proposal: Proposed Change of an Existing Chemist to a Butchers Shop (non class change) with internal alterations. Change of First Floor 4 Bedroom Apartment into 2 No. 1 Bedroom Apartments and associated works.

Location: No. 1 The Square, Annalong.

1. The application seeks approval for the sustainable reuse and internal alteration of a prominent, vacant building located at No. 1 The Square, Annalong. Permission is sought to change the vacant chemists on the ground floor to a butchers and change the first floor 4-bed apartment into 2no. 1-bed apartments. The proposal complies directly with the strategic objectives of the Strategic Planning Policy Statement for Northern Ireland (SPPS), specifically facilitating active village centre regeneration, brownfield development, and the revitalisation of decaying building stock. By introducing a local commercial use alongside modern, compact housing units, the scheme enhances the local streetscape, safeguards visual amenity, and revitalises the economic vitality and social viability of the local area in alignment with the provisions of the SPPS.
2. The sole reason for refusal relates to NI Water's objection to this application, who have recommended refusal on the grounds that the receiving Annalong Coastal Wastewater Treatment Works (WwTW) lacks adequate network capacity to service the development. NI Water's position relies entirely on the building's current unoccupied state; they assert that because the property lacks an administrative record of "continuous active use", its historical baseline flow contribution to the network cannot be taken into account. The refusal recommendation is driven by an internal "5-year rule" policy recently implemented by NI Water. Under this "5-year rule," if a property has been vacant or underutilised for five years or more, NI Water treats it as a brand-new connection into their network rather than a building unit that already connects into their system (which is the case in this instance). This approach completely disregards the permanent physical infrastructure and established baseline capacity of the building, which historically operated as a commercial chemist and a larger 4-bedroom residential apartment.
3. The Planning Department has explicitly confirmed the lawful planning status and legitimate fallback position associated with the property. Under the Planning (Use Classes) Order (Northern Ireland) 2015, both the historical use as a chemist and the proposed use as a butcher's shop fall within Class A1 (Shops), meaning no material change of use is occurring on the ground floor. Furthermore, residential use is already fully established on the first floor in the form of a single larger 4-bed apartment. The Planning Department's official report expressly states: ***"While it is noted the building is currently unoccupied and has been for a number of years, a retail use and residential use at FF could become operation without the need for any planning permission."***
4. The applicant therefore possesses a lawful right to resume an active Class A1 retail shop on the ground floor (in this instance, a butchers) and occupy a larger single 4-bedroom residential

apartment on the first floor tomorrow without requiring any planning permission. This is the fallback position against which the application proposal must be compared to, and assessed against. In this factual context, the true material scope of planning consideration is isolated to the impact of converting one single, larger 4-bedroom apartment into two smaller 1-bedroom apartments.

5. When evaluated against the fallback position, we consider that the proposed internal configuration creates no material intensification of the foul sewerage network. The ground floor retail floor space remains unchanged, and the first-floor conversion simply optimises a larger 4-bedroom family home into two smaller 1-bedroom flats. The hydraulic and foul loading generated by two modest 1-bedroom apartments is negligible when compared to the potential loading of a fully occupied 4-bedroom unit.
6. Moreover, the applicant could open a butchers on the ground floor and occupy the first floor as a single 4-bed apartment within requiring planning permission or the consent of NI Water (because the building is already fully connected). It seems highly unreasonable to refuse this application given the lawful fallback position.
7. Paragraph 2.1 of the Strategic Planning Policy Statement (SPPS) mandates that the planning system secure orderly development and improve well-being, while Paragraph 3.8 establishes a core guiding principle that sustainable development should be permitted unless it causes demonstrable harm to interests of acknowledged importance. This proposal seeks to bring a vacant village-centre building back into productive economic and residential use to the betterment of the community as a whole. The planning department has already concluded that, aside from NI Water's concerns, the scheme complies with all other relevant planning policy and guidance. Allowing an internal NI Water policy to block the revitalisation of rural townscapes directly frustrates the delivery of the SPPS's overarching strategic objectives..
8. In addition, the consequence of NI Water's internal "5-year rule" and disregard to the lawful fallback position is severe - in essence any older vacant or derelict buildings that historically had connections to the network can no longer be upgraded, modernised or redeveloped without the consent of NI Water. Instead, the applicant is being treated as though they are proposing a brand new connection to NI Water's network. Due to the well documented constraints within NI Water's network, the outworking of this is to essentially stymie the regeneration of existing towns and villages because of the prohibitive costs associated with implementing the inevitable drainage solutions.
9. Determining this application requires a balanced planning judgment that weighs rigid infrastructure assessments against the tangible socio-economic objectives of the SPPS regarding brownfield revitalisation, village vitality, and compact housing provision. The Planning Committee possesses the democratic mandate to view this application "in the round" and resolve this policy conflict in favour of sustainable development.

Delegated Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2025/1106/F	Target Date:
Proposal: 1 dwelling to be built on site.	Location: Site between 27 Beechmount Park and 2 Elmwood Park facing onto Rathfriland Road, Newry, BT34 1LA
Applicant Name and Address: Malachy McCourt 33 Greenpark Rd, Rostrevor, Newry BT34 3EZ Rostrevor, Newry Rostrevor BT34 3EZ	Agent Name and Address: Daniel Murphy 40 -41 The Mall Newry Newry BT34 1AN
Date of last Neighbour Notification:	3 March 2026
Date of Press Advertisement:	15 October 2025
EIA Determination: n/a	
Consultations:	
<ul style="list-style-type: none"> • DFI Roads • DFI Rivers • NI Water • Historic Environment Division (HED) • Northern Ireland Environment Agency (NIEA) • Environmental Health 	
Representations:	
No representations have been received in respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: n/a	

Site Visit Report

Site Location Plan:



Figure 1- Site Location Plan

Date of Site Visit: 09/01/2026

Characteristics of the Site and Area

The application site is located on a once vacant parcel of land located along the Rathfriland Road Newry. A new dwelling approved under LA07/2024/0009/F is under construction adjacent to the application site but does not form part of the application site for this proposal. The application site is located within the Settlement Development Limit of Newry and is accessed off the Rathfriland Road through an existing access. The Rathfriland Road runs alongside the eastern boundary of the application site, the southern and western are defined by hedgerow with the northern currently undefined due to the ongoing construction works.

The existing character of the area can be defined as largely residential in nature with a mixture of housing types and styles found in this area. Figure 2 below shows the application site viewed from the Rathfriland Road.



Figure 2- Application Site Viewed From Rathfriland Road

Description of Proposal

The proposal seeks full planning permission for the erection of a detached two storey dwelling. The new proposed dwelling is two storey in nature and has an overall ridge height of 9.0m from Finished Floor Level (FFL). The proposed Dwelling will be set into the site facing east towards the Rathfriland Road. Existing boundaries are to be retained, maintained and augmented along the western and southern boundary, with a new boundary established to the north separating the proposed dwelling from dwelling currently under construction adjacent to the application site. The proposed dwelling will incorporate rendered grey stone walls, a grey tiled roof, composite front and back doors, double-glazed black aluminium/PVC windows, and UPVC gutters and downpipes. The proposed plans submitted for consideration are shown below:

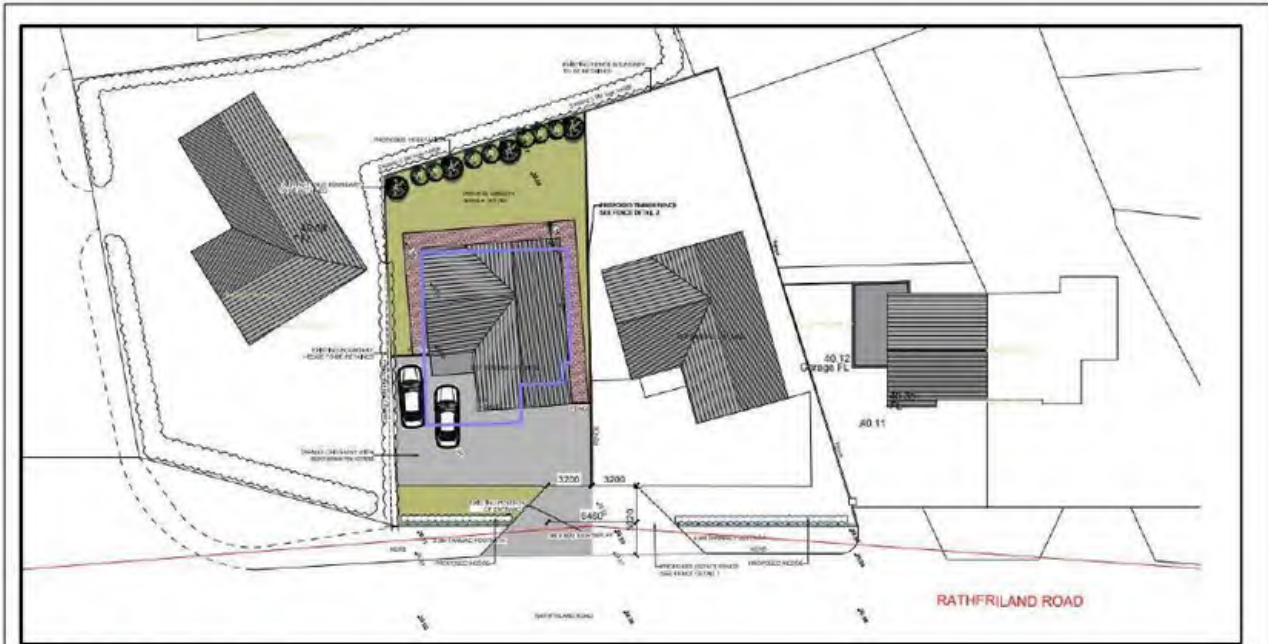


Figure 3- Proposed Site Plan



Figure 4- Proposed Elevations

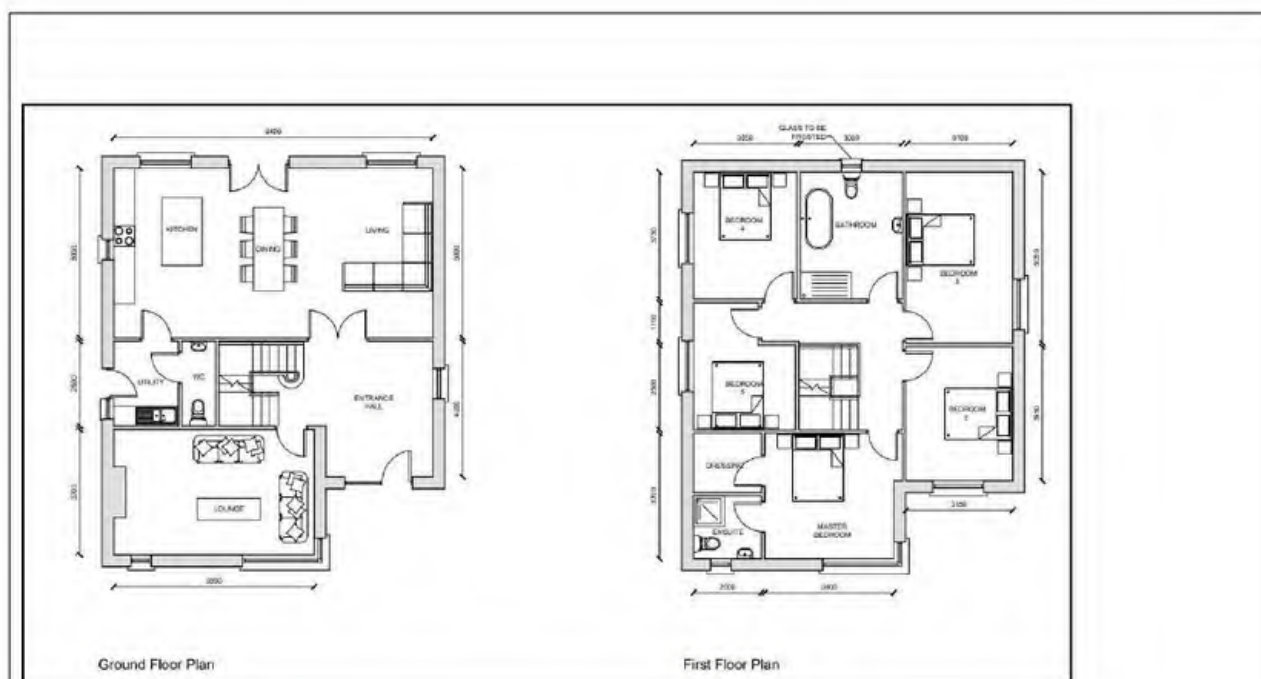


Figure 5- Proposed Floor Plans

Information:

Following an initial assessment of the submitted plans, the Planning Department contacted the agent by email on 2nd March 2026 to set out concerns regarding the proposal. While it was acknowledged that the application site lies within the Settlement Development Limit of Newry, concerns were raised regarding the overall principle of development in this location. In particular, the proposal was considered out of character with the surrounding area and unsympathetic to its existing context. The plot size and the positioning of the proposed dwelling were also considered unacceptable. It was further advised that, in its current form, the site is not considered capable of accommodating a dwelling without resulting in adverse impacts on residential amenity, including issues of dominance, overshadowing, and overlooking to neighbouring properties. The Planning Department further outlined that it was not opposed in principle to development on the site, it was requested that the house type and overall design be reconsidered to better respond to the site context and surrounding pattern of development, ensuring that issues of overlooking, dominance and overbearing impact are minimised.

In response, the agent submitted a rebuttal to the concerns raised by the Planning Department on 9th March 2026, accompanied by amended plans. These amendments were subsequently reviewed, and the agent was contacted again on 16th April 2026 to advise that the Department's position remained unchanged. It was also confirmed that the amended plans did not sufficiently address the concerns previously raised, and the agent was reminded of the onsite constraints and the limited capacity of the site to accommodate the proposed development.

A further set of amended plans was received on 20th April 2026. Following receipt of these drawings, a site visit was undertaken on 29th April 2026 by the Case Officer (Fergal Connolly) and Senior Planner (Mark Keane) to assess the proposal within its existing context and setting. It is the plans received on 20th April 2026 that form the basis of this assessment.

Planning Assessment of Policy and Other Material Considerations

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

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- PPS15 Planning & Flood Risk
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments and Addendum
- PPS 2 Natural Heritage
- PPS 6 Planning, Archaeology and the Built Heritage
- DCAN8

PLANNING HISTORY

A review of the planning history relating to the application site has been undertaken, and the relevant findings are summarised below. It is noted that planning permission for a development comprising four apartments was approved in October 2009 on a larger site within which the current application site is located. Subsequently, planning permission for the demolition of an existing dwelling and the erection of a two-storey replacement dwelling was granted in February 2016 under application reference LA07/2015/0206/F, also on the larger site encompassing the application site. This permission was renewed in October 2021 under application reference LA07/2021/0286/F. It is further noted that the other half of the entire site (excluding the application site) is subject to a recent planning approval for a dwelling similar in nature to that now proposed. This application was approved in July 2025 under reference LA07/2024/0009/F and, at the time of the site visit, construction works were well underway. A review of the file associated with application LA07/2024/0009/F indicates that the original proposal sought permission for two dwellings. However, during the course of the application and following correspondence with the Planning Department, the proposal was amended to a single dwelling. This reduction resulted from concerns raised by the Planning Department regarding the suitability of the site to accommodate two dwellings and the potential impact such a development could have on neighbouring residential properties. These matters will be considered in further detail in the assessment against PPS 7 below.

Application Number: P/2007/0931/F

Proposal: Demolition of dwelling and erection of 4 No. apartments

Decision: Permission Granted

Decision Date: 12 October 2009

Application Number: LA07/2015/0206/F

Proposal: Demolition of existing dwelling, erection of two storey replacement dwelling and single storey domestic outbuilding.

Decision: Permission Granted.

Decision Date: 24 February 2016.

Application Number: LA07/2021/0286/F

Proposal: Proposed demolition of existing dwelling. Erection of two storey replacement dwelling and single storey domestic outbuilding.

Decision: Permission Granted.

Decision Date: 18 October 2021.

Application Number: LA07/2024/0009/F

Proposal: Development of 1 detached dwelling (Amended proposal, Env Site Assessment, Waste Clarification Assessment, Contamination Assessment and Remediation Strategy submitted)

Decision: Permission Granted

Decision Date: 10 July 2025

Application Number: LA07/2025/1137/DC

Proposal: Discharge of Clause 8 - See Ref: LA07/2024/0009/F

Decision: Condition Discharged

Decision Date: 25 November 2025

SUPPORTING DOCUMENTS

The application was supported by the following:

- Application Form
- Design & Access Statement
- Proposed Elevations & Floor Plans
- Site Layout Plan
- Site Location Plan
- Contamination Assessment & Remediation Strategy
- Waste Classification Report
- Fuel Impacted Soils Removal Verification Report

CONSULTATIONS

Consultation with the following departments was undertaken:

- NIEA- An Environmental Site Assessment has been provided by RSK Ireland Ltd in support of this planning application. The assessment is informed by site investigations and environmental monitoring data. Potential unacceptable risks to receptors have been identified for the development from a hotspot of hydrocarbon contaminated soils at the site. 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.
- DFI Roads- Following receipt of amended plans DFI Roads offer no objections to the proposal subject to conditions.
- NI Water- Content, no objections.
- HED- Content, no objections.
- Environmental Health- Environmental Health have reviewed the information provided and note that this is an application for the development of one dwelling. Environmental Health note the contents of the 'Environmental Site Assessment – 1 Elmwood Park, Newry, 604785-R1(00), August 2023'- no objections are offered subject to conditions.
- DFI Rivers- Content, no objection.

REPRESENTATIONS

Twelve neighbours were identified to be notified with regards to this application. The application was advertised in the Newry Reporter and Newry Democrat in October 2025. No objections have been received to date with regards this application

EVALUATION

The Planning Act (NI) 2011

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application to and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Banbridge / Newry & Mourne Area Plan 2015

The application site is located within the Settlement Development Limit (SDL) of Newry (NY01) and the application site is on unzoned land.

The Strategic Planning Policy Statement (SPPS)

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

PPS 7 Quality Residential Environments

PPS 7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS 7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposal's layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents. Policy QD1 thereof states that planning permission will

only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

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

While it is acknowledged that the application site lies within the Settlement Development Limit of Newry and benefits from an established planning history, it is important to recognise that previous planning decisions must be considered in their proper context. Although planning history is a material consideration, each application must be assessed on its own merits and against the prevailing planning policy context and site circumstances at the time of determination.

In this regard, the approval granted under LA07/2015/0206/F for a replacement dwelling is noted. However, that permission related to a substantially larger site area encompassing both the current application site and the adjacent site on which a dwelling approved under LA07/2024/0009/F is currently under construction. Furthermore, that approval was for a single dwelling only, reflecting what was considered an appropriate level of development for the wider site. Similarly, the approval of four apartments under application P/2007/0931/F is acknowledged. However, this proposal must also be viewed in the context of the larger site to which it related, rather than the current application site in isolation. As such, limited weight can be attached to this approval when assessing the acceptability of the current proposal. Particular regard is also had to the recent approval under LA07/2024/0009/F on the adjoining site. As noted previously, that application originally sought permission for two dwellings; however, following concerns raised by the Planning Department regarding site capacity and the potential impact on neighbouring residential properties, the proposal was amended and ultimately approved for a single dwelling only. Having regard to the planning history, the current site circumstances, and the development now proposed, it remains the opinion of the Planning Department that the concerns previously identified in respect of site capacity and impact on adjoining properties remain relevant. Consequently, it is not considered that the application site can satisfactorily accommodate the scale and form of development proposed. It is acknowledged the plot size of the site outlined in red is comparable to those in the area, however, this is only 1 factor and consideration.

Having assessed the application against the requirements of Policy QD1 of PPS7, the Department considers the development, in its current form, to be unacceptable. The proposal fails to respect the established character, appearance, and pattern of development in the surrounding area and is not in keeping with the prevailing built form along the Rathfriland Road. The scale, form and siting of the proposed development are inappropriate to the site context and do not reflect the local character of the area. Furthermore, the site, as proposed, is not considered capable of accommodating a dwelling of this nature without giving rise to unacceptable impacts on the amenity of neighbouring properties particularly No. 27 Beechmount Park and also the future occupiers of the adjacent dwelling under construction, the Planning Department consider this to be overdevelopment of the application site. The development would result in issues of dominance, overshadowing, and overlooking, to the detriment of adjacent residential amenity, which are addressed in further detail later in this report. Overall, the proposal is considered wholly out of keeping with the character of this section of Rathfriland Road and would adversely affect the established streetscape, failing to respond sympathetically to its surrounding context. Additional concerns arise in relation to the presentation of the dwelling from public viewpoints. By virtue of its siting, footprint and layout,

the proposal would appear visually dominant and incongruous in relation to neighbouring properties and street-scene, resulting in a stark and discordant form of development that neither integrates with nor complements the existing residential environment. Consequently, the proposal would fail to preserve or enhance the visual amenity of the area, contrary to the aims of Policy QD1. The Planning Department therefore remains concerned about the acceptability of the proposal and considers it to be contrary to Criterion A of Policy QD1.

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

The application site lies within the consultation zone of DOW046:014 Enclosure and the HED were therefore consulted. HED advised that the proposed development would not result in undue harm to this designated feature. In relation to landscape and ecological considerations on the site, the application site's location within an urban context is noted and also the site has been cleared as a result of the adjacent construction activity. The Planning Department raise no concerns with regards to the ecological or landscaping features on the application site. The proposal complies with Criterion B.

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

The proposal does not exceed the thresholds listed in Policy OS 2 of PPS 8 to be required to provide open space and as such the provision of public open space is not applicable to this application. The proposal does however exceed the recommendation of 40sqm of private open space as contained within para 5.19 of Creating Places. It is considered that Criterion C is met.

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

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

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

Given the nature and scale of the proposal this criterion does not apply here.

F) adequate and appropriate provision is made for parking;

The proposed site layout plan shows adequate space for at least 2 car parking spaces within the site which is deemed acceptable. DFI Roads have been consulted and have no objections subject to conditions.

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

While the Planning Department has concerns regarding the overall site layout and suitability of the proposal, it is acknowledged that the proposed design, form, materials, and detailing are generally acceptable and would be considered unoffensive in isolation. The Planning Department are content with Criterion G.

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

The proposal has been assessed against the requirement that the design and layout of the development should not create conflict with adjacent land uses and should not result in an unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, dominance, noise or other disturbance.

Having undertaken a site visit and assessed the relationship between the proposed dwelling and surrounding properties, it is considered that the application site is incapable of accommodating the scale and form of development proposed without causing undue harm to neighbouring residential amenity. Particular regard is had to the relationship with No. 27 Beechmount Park (a detached bungalow), where it is considered that the proposed dwelling would result in an unacceptable level of overlooking from the upper floor side facing bedroom windows, leading to a loss of privacy for existing occupants. Furthermore, given the size, siting and design of the proposed dwelling and close proximity to the side (2.5m) and rear boundaries (6-8.5m), it is considered that the development would create an overbearing and dominant presence when viewed from neighbouring properties and would result in increased overshadowing and loss of light to adjoining residential curtilages. Figure 6 below was taken from the rear garden of No. 27 Beechmount Park and illustrates the relationship between the neighbouring property and the application site. While the dwelling shown in the photograph does not form part of the current application, the proposed dwelling is similar in scale and form and would be positioned even closer to the shared boundary. The submitted plans indicate a separation distance of approximately 2.5 metres at the closest point between the proposed dwelling and the common boundary with No. 27 Beechmount Park. Given the constrained nature of the site and the proximity of the proposed development to the neighbouring property, this relationship is considered unacceptable and would result in an overbearing form of development with adverse impacts on residential amenity.

The rear gable of no.27 includes 5 separate openings serving both habitable and non-habitable rooms.



Figure 6- Application Site from No.27 Beechmount Park

In addition to its impact on existing residents, the proposal must also be considered in conjunction with the recently approved dwelling on the adjoining site, which was under construction at the time of the site inspection. When assessed cumulatively, it is considered that the introduction of a further dwelling on the application site, closer to the side and rear boundaries, would not only exacerbate the adverse impacts on existing neighbouring properties but would also prejudice the residential amenity of future occupants of the approved dwelling. The constrained nature of the site, combined with the proximity of surrounding development, means that the proposal would result in an unacceptable relationship between dwellings, giving rise to issues of overlooking, dominance and reduced residential amenity.

It is also noted that these concerns were raised with the applicant's agent during the processing of the application. Notwithstanding this, no satisfactory amendments were submitted to overcome the fundamental constraints of the site. The Planning Department remains of the view that the application site cannot satisfactorily accommodate a dwelling of the scale and nature proposed. Accordingly, it is considered that the proposal would create an unacceptable conflict with adjacent land uses and would result in adverse impacts on both existing and proposed residential properties. The proposal therefore fails to satisfy this criterion.

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

The Planning Department are content this criterion has been met.

Addendum to PPS 7 Safeguarding the Character of Established Residential Areas

Policy LC1 of the Addendum to PPS 7 states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria within Policy LC1 are met. As noted above the proposal

fails to meet all of the criteria set out within Policy QD1 however in the interests of clarity the proposal will still be assessed against the criteria of Policy LC1.

- a) *the proposed density is not significantly higher than that found in the established residential area;*
- b) *the pattern of development is in keeping with the overall character and environmental quality of the established residential area;*
- c) *all dwelling units and apartments are built to a size not less than those set out in Annex A.*

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

The Planning Department is of the view that the application site cannot adequately accommodate the proposed development. The proposal for 1 dwelling on this site is considered to be reflective of the density, plot size and character of the area. However there are significant concerns in respect of its impact on No. 27 Beechmount Park. By virtue of its scale, siting, and position relative to the neighbouring dwelling and road, the proposal would appear unduly dominant and would give rise to unacceptable overlooking, resulting in a clear loss of residential amenity. The form, siting, layout and overall approach of the development as a whole, therefore fail to respect the character of the surrounding area and the amenities of adjoining properties, and are considered incompatible with the established pattern of development. The Planning Department consider that the proposal does not meet criterion a and b of Policy LC1.

PPS 15 Planning and Flood Risk

Following a review of the Flood Maps NI it was noted that a portion of the application site was within an area affected by surface water flooding. DFI Rivers were consulted on this basis with particular reference to 'FLD 3- Development and Surface Water'. In their response dated 8th January 2026. DFI Rivers noted that they were content that a drainage assessment was not required, however the developer is still advised to carry out their own assessment of flood risk. The remaining policies of PPS15 including FLD 1, 2, 4 & 5 are not applicable to this site, the application site is not located within a fluvial or costal flood plain. The Planning Department are content that the proposal is not in contrary to the requirements of this Policy.

PPS 6 Planning, Archaeology and the Built Heritage

The application site is within the consultation zone of DOW046:014 ENCLOSURE. HED were consulted in light of this and have provided no objection. The comments from HED have been noted, whereby the Planning Dept agree and it is considered that the application will not have any significant influence on historical sites.

PPS3 Access, Movement and Parking

PPS 3 sets out the policy requirements for access, movement and parking, while DCAN 15 provides guidance on vehicular access standards. The proposal includes a new access onto the Rathfriland Road. Having consulted DFI Roads they have offered no objections to the proposal subject to conditions.

PPS2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA’s Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist, the urban location and the current site conditions have also been factored into this assessment. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2. The application is not located within the AONB so therefore NH6 does not apply. The proposal meets the requirements of PPS 2.

The following drawings were considered as part of this assessment:
200A, 201B, 202B, 203B.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Having considered the above it is recommended to refuse this application for the below reasons:

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments in that:
 - the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, appearance of buildings, structures and landscaped and hard surfaced areas;
 - the design and layout will create conflict with adjacent land uses and there would unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 Addendum, Safeguarding the Character of Established Residential Areas in that:
 - the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: F.Connolly

Date: 2 June 2026

Appointed Officer Signature: M Keane
Date: 02-06-26

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Thank you Chair,

Thank you for the opportunity to address Committee.

The principle of residential development on this site is not disputed. The site lies within the Newry Settlement Development Limit and is located within an established residential area along the Rathfriland Road.

At a time when housebuilders across Northern Ireland are facing significant challenges in delivering new homes due to infrastructure constraints, this proposal represents a site where those constraints have been overcome. NI Water has confirmed capacity exists to serve the development and, in those circumstances, every effort should be made to facilitate sustainable housing delivery within settlement limits where suitable sites are available.

There are no objections from either statutory consultees or neighbours, however the Planning Department's concerns relate primarily to character and residential amenity. Respectfully, it is our position that the proposal complies with Policy QD1 and Policy LC1 and that the concerns raised are not supported by the evidence before Members.

Firstly, in relation to character and appearance, the proposed dwelling is identical in scale, form and design to the dwelling recently approved and currently under construction immediately adjacent to the site. The contextual elevation submitted with the application clearly demonstrates this relationship and confirms that development respects the character of the area.

The officer's report concludes that the proposal would be visually dominant and out of keeping with the area. However, this site occupies a frontage along an arterial route into Newry, characterised by a variety of dwelling types, plot sizes and building forms. The proposal represents the completion of an infill plot between existing residential development and would integrate naturally into its surroundings. It is difficult to conclude that a dwelling of identical scale and design to that already approved immediately adjacent is somehow incongruous within the streetscape.

Turning to residential amenity, the officer's concerns relate to overlooking, overshadowing and dominance in respect of No. 27 Beechmount Park and the dwelling under construction.

In our view, these concerns are overstated.

The floor plans were revised following the Department raising concerns with the windows along the rear elevation. The windows are now on the side gable, and while we note they do face towards No. 27; they face towards the side garden area and eastern elevation of that property, rather than a wholly private rear garden. More importantly, a mature hedge approximately 2.5 metres in height extends along the shared boundary. This hedge is clearly visible within the submitted photographs and the officer's own site inspection photographs and provides a substantial level of screening between the properties. Any views would

therefore be filtered through this established vegetation. Taking this into account, it can be concluded that the **loss of privacy** on no.27 and the dwelling under construction is limited.

The Addendum to PPS7 Para. A28 recognises that, except in the most isolated rural locations, few householders can expect not to be overlooked to some degree. The issue is not whether any overlooking occurs, but whether it is unacceptable. Given the existing screening, orientation of the site and its urban context, we do not believe that threshold has been reached.

The same applies to overshadowing. The officer's report provides no technical assessment, such as a shadow study to demonstrate significant harm. Notwithstanding this, the orientation of the dwelling, along with the position of no.27 means that it can be reasonably assumed that any overshadowing will be limited to the morning time during the summer, and little overshadowing during winter. Furthermore, the mature hedge and boundary trees already create a degree of shadowing and enclosure along the shared boundary. It is also worth noting that Paragraph A33 of the addendum to PPS7 reinforces that **overshadowing to a garden area on its own will rarely constitute grounds to justify a refusal.**

Similarly, concerns regarding dominance must be viewed in context. The outlook from No. 27 is already filtered by mature vegetation, which forms the principal visual feature along the common boundary. Whilst the proposed dwelling will inevitably be visible from certain viewpoints, visibility alone does not equate to dominance. The proposal would not adversely affect outlook to an extent that could reasonably be regarded as unacceptable.

Members, this is a sustainable infill site within the settlement limit. The principle of housing has been accepted, infrastructure capacity exists, the design reflects a form of development already approved immediately adjacent, and the evidence does not demonstrate the unacceptable harm on neighbouring amenity.

For those reasons, we respectfully request that Members disagree with the recommendation and approve the application.

Thank you.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2585/F	Target Date:
Proposal: Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.	Location: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle
Applicant Name and Address: Arlington Hotel (NI) Limited 14 Forest Park View Castlewellan BT31 9SP	Agent Name and Address: Donna Lyle Hamilton House 3 Joy Street Belfast BT2 8LE
Date of last Neighbour Notification:	30 th May 2024
Date of Press Advertisement:	14th June 2023
ES Requested: No	
Consultations: see report	
Representations: See report	
Letters of Support	1
Letters of Objection	3
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle.



Date of Site Visit: 19th February 2024 & 10th October 2024

Characteristics of the Site and Area

The development site is located at Nos. 59/61 and 63/65 Main Street, Newcastle and extends to the rear to include properties at Nos. 2 and 4 Valentia Place. The site is located within a terrace row and is comprised of two, two and a half storey terraced buildings with retail uses on the ground floor and residential uses on the first & second floors. Nos 59/61 is occupied by Gallaghers Public House which is three storeys in height with slate roof, first floor bay window design and second floor dormer window projection. Nos 63/65 is currently occupied by Pure Chic, a clothing retailer, which is slightly lower in height than Gallaghers building, slightly different bay window projection and smaller dormer to the upper floor. Both front onto Main street which accesses directly onto the public footpath. The rear of the site extends to properties No's 2 & 4 along Valentia Place. Valentia Place comprises a terrace of two storey residential properties and runs parallel to main Street.

Main street operates a one-way system through Newcastle and would be the main through road through Newcastle. The area is characterised by town centre uses, with retail units on the ground floor, with other town centre service and commercial uses on the ground floor and residential units on the upper floors. St Mary's Hall and cemetery

is located opposite the site. Newcastle Presbyterian Church is a Grade B2 listed building and its associated grounds is located to the north of the site.

Description of Proposal

Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Newcastle within the town centre.

Ards and Down Area Plan 2015

Regional Planning Policy Regional Development Strategy 2035 (RDS)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

Planning Policy Statement 15 – (Revised) Planning and Flood Risk

Planning Policy Statement 16 – Tourism

Planning Strategy for Rural Northern Ireland – Policy DES 2

Guidance

Parking standards

DCAN 4 - Restaurants, cafes and fast food outlets

DCAN 15 -Vehicular Access Standards

PLANNING HISTORY

Planning – on site

Application Number: LA07/2022/0621/PAD

Proposal: Demolition of existing building and erection of 4 storey building comprising of a restaurant and 17 Apartments, binstore/plant area and all associated site works

Application Number: R/1988/0245

Decision: Permission Granted

Decision Date: 28 June 1988

Proposal: Extension and Alterations to Hotel

Application Number: R/1989/0587

Decision: Permission Granted

Decision Date: 24 August 1989
Proposal: Double sided projecting sign

Application Number: R/2003/0757/F
Decision: Permission Granted
Decision Date: 04 December 2003
Proposal: Proposed alterations and extension of existing hotel incorporating adjoining property and to include new shop frontage (amended scheme).

Consultations:

NI Water – No objections, WWtW – available capacity- connection to sewer should be on Valentina Place, to avoid constrained network.

DFI Roads – No objections, on the basis that the accommodation is for tourist/ holiday use only - service management plan to be conditioned

NIEA Water management – No objections subject to NIW agreement

Rivers Agency – No objections

Environmental Health – No objections subject to conditions

Shared Environmental Services – informal consultation – No consultation required

Historic Environment Division – objects – see report

Objections & Representations

In line with statutory requirements neighbours have been notified on 04.07.2023 and again with amended plans on 30.05.2024 The application was advertised in the Mourne Observer on 14.06.2023

Three letters of objection have been received in relation to the application, one in support. This is a brief summary of the issues raised by objectors, however, full letters are available for view on the planning portal

- Concerns regarding parking
- already stretched for parking spaces and the erection of such building bringing guests and more cars would further prevent residents from parking outside their houses. This is a very busy street, with shop workers using their spaces 9-5pm.
- What provision have the architects made for car parking for the hotel guests? This is a very congested area with residents having trouble parking at times and the forecourt of the Fire Station has to be kept clear at all times.
- Party boundary between the site and No 57 – south facing window – this is located into the main hallway of the first floor apartment in No 57 on the first floor landing of the rear return. Proposal intends to build directly in front of this window and

along the party wall. This is unacceptable and objector would ask for a more considered response to the existing site constraints.

- First floor flat roof to the rear of No 57 is accessible via the rear apartment bedroom and is used as amenity space for the occupants of No 57 accessed via the rear bedroom door. The proposal for a 4-storey building will significantly overshadow both the amenity space and the rear facing bedroom – both of which avail of a significant amount of southern and western light for a high percentage of the day. The proposal would feel overbearing and dominant in scale, in comparison to all the buildings in the immediate and greater surrounding area. This development is grossly out of character and the proposal should be significantly reduced, to pay greater consideration to those around it.

Letter from Colin McGrath

- This application is for development right in the heart of our town and ties in with the Council's ambition to be the premier tourist destination in Ireland.
- It will create jobs and make a significant impact to the local economy of the District.
- Northern Ireland is short of hotel bed space.

The letters of objection will be considered as part of the overall assessment of the application.

Consideration and 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). In it the site lies within the settlement limit and town centre of Newcastle. The site also lies within the Primary Retail Core (PRC).

The Strategic Planning Policy Statement for NI (SPPS)

The SPPS is material to all decisions on individual planning applications and appeals and sets out the prevailing regional planning policy for town centres. The SPPS recognises at Paragraphs 4.11 and 4.12 that there are a wide range of environment and amenity considerations, including noise, visual intrusion, general nuisance and waste management, which should be taken into account by planning authorities when managing development. Supporting good design and positive place making is one of the core planning principles of the SPPS (Paragraphs 4.23 - 4.36).

Tourism

The Regional Development Strategy 2035 (RDS) recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Regional Guideline 4 (RG 4) seeks to promote a sustainable approach to the provision of tourism infrastructure.

The SPPS in relation to Tourism aims to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. Paragraph 6.251 of the SPPS states that Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenue it generates, the employment opportunities it provides and the potential it creates for economic growth.

A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context.

The SPPS requires that applications for Tourism development be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts to ensure high quality safe and otherwise satisfactory forms of development. With this in mind all necessary consultees have been consulted regarding the proposal.

Ards and Down Area Plan 2015

The site is located in the town centre and within the Primary Retail Core as designated in the plan (Map No 3/004d – Newcastle Town Centre). Within this area, which contains the traditional concentration of retailing and other town centre uses, Main Street is defined as the Retail Primary Core. The ADAP NE 23 refers to the Primary Retail Core, which is dispersed along main Street into two pockets of independent shops and commercial uses. It states that the PRC is drawn to consolidate those areas considered to be the core retail activity. It goes on to state that it is important to facilitate a strong retail presence in order to provide a focus for retail activity in main Street.

The following policies within the ADAP are relevant to the application: -

- Policy SETT 1 Settlement Limits;
- Policy NE 22 Town Centre;
- Policy NE 23 Primary Retail Core; and
- Policy HOU 3 Protected Housing Areas

Local Development Plan (LDP)

Newry, Mourne and Down District Council are responsible for the preparation of a development plan for the District and has commenced work on the Newry Mourne and Down Local Development Plan. This new Plan will (when adopted) replace the ADAP 2015. A Preferred Options Paper (POP) was published on 29 May 2018. The POP is a consultation paper designed to stimulate debate and encourage feedback on key issues of significance which are likely to influence the direction of the Council's new Local Development Plan.

Key Issue 13 of the POP relates to Tourism Development. Tourism is recognised as a significant contributor to the local economy and its positive contribution to the urban regeneration of towns in the district is noted. One of the Council's key objectives is for the district to become one of the premier tourism destinations on the island of Ireland. This will be through ensuring that there is a cultural and tourism infrastructure that will attract and serve the expectations of a growing number of visitors, a key action of which is reviewing the tourism infrastructure of Newcastle.

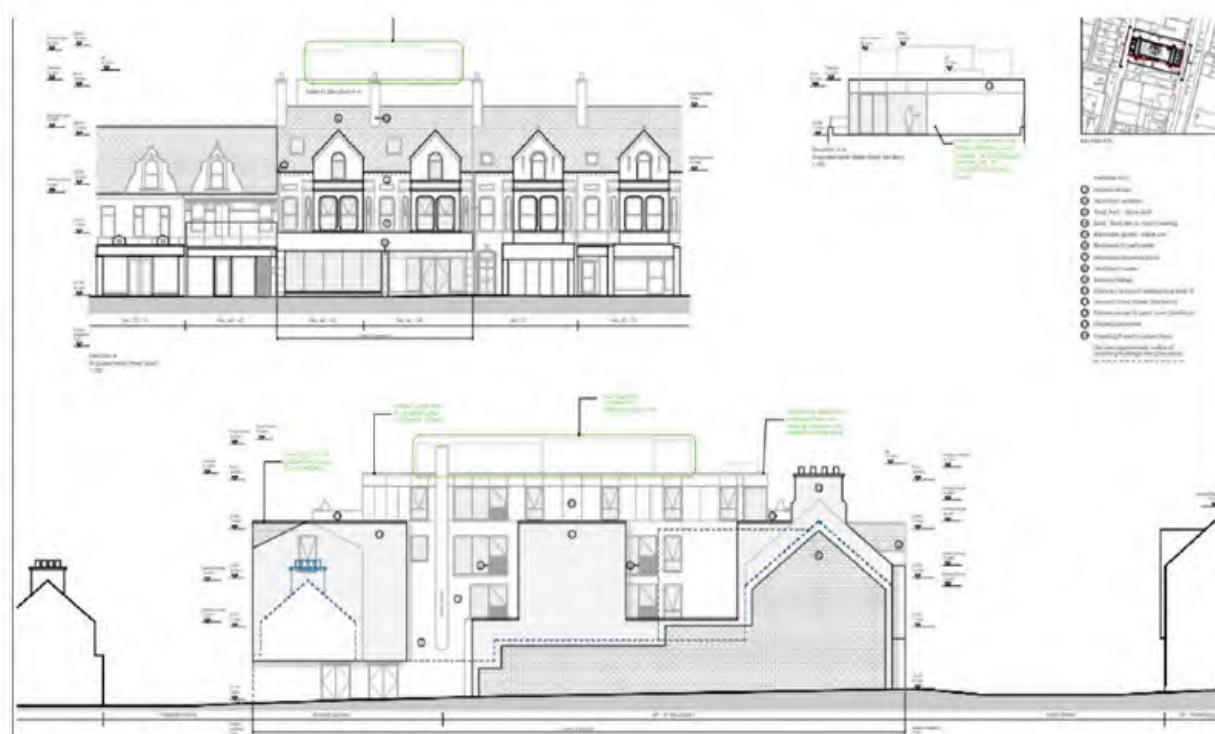
Proposal

The application seeks full planning permission for the demolition of existing buildings at Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle and the erection of an aparthotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works. The building is 4 storeys in height. The ground floor accommodates restaurant facilities (accessed off main Street) with golf store and amenity spaces to the rear of the ground floor. The serviced apartments are located on the first (5 -two bedroom (double bed) apartments) second (5 -two bedroom (double bed) apartments) and third floors (3 -one bedroom (double bed) apartments and 1 – two bedroom (double bed) apartment). There are external flat roofs that can be utilised on the third floor both facing main street and also Valentia Place.

Area/Accommodation	Location	Floorspace (sqm)
Restaurant	Ground Floor	267
Golf Store	Ground Floor	36
Other ancillary areas (BOH, Stores, lobby's)	Ground Floor	169
13No. 4-person 2-bedroom apartments	First/Second/Third Floor	68-96
1No. 2-person 1 bedroom apartment	Third Floor	44sqm

Schedule of accommodation

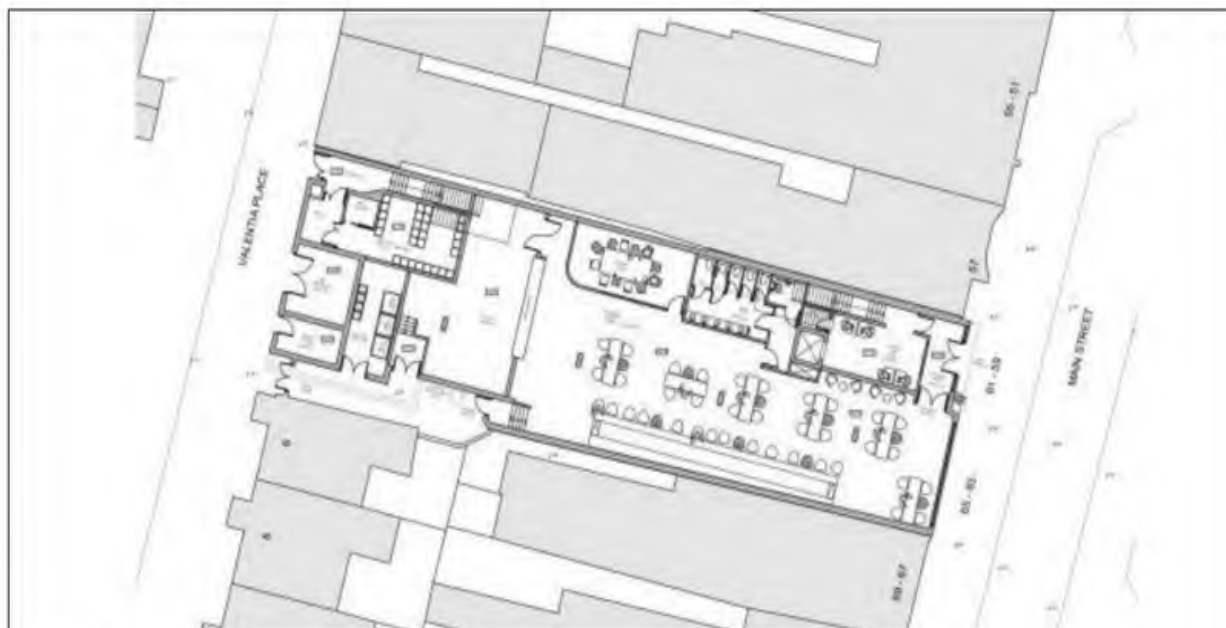
Concerns were raised with the agent with regard to scale, massing and design of the proposal and therefore the agent was given the opportunity to amend the scheme. This assessment is based on the amended scheme.



Proposed Elevations



Proposed Roof plan



Ground floor proposed site layout

The main issues to be considered in this case are;

- The principle of an aparthotel at this location;
- Scale, Massing and Design;
- Impact on Natural and Built Heritage;
- Traffic and road safety;
- Residential amenity;
- Flooding and Drainage;
- Economic Considerations

Principle of Development

The principle of the development should be considered in relation to the loss of a GF retail unit and a sui generis unit within the primary retail core (PRC) of the ADAP and two dwellings located at Nos. 2 and 4 Valentia Place (a Protected Housing Area), and whether in principle the proposal meets the tests set out under Policy TSM 1 Tourism Development in Settlements of PPS 16.

The application site is located within the Settlement Limit of Newcastle as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1.

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and

use of materials. This policy therefore provides broad support for the principle of the proposal.

SPPS

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities and notes that they provide a wide variety of retailing and related facilities including employment, leisure and cultural uses. This is an acknowledgment that town centres are places with a mix of uses and activities which has also been advanced in the ADAP and in the POP (Preferred Options Paper). Paragraph 6.271 of the SPPS goes on to set out regional objectives for town centres and retailing. These include to secure a town centres first approach for the location of future retailing and other main town centre uses and protect and enhance diversity in the range of town centre uses appropriate to their role and function. Such 'town centre uses' are notated as including cultural and community facilities, retail, leisure, entertainment and businesses.

Policy NE23 of the ADAP (2015) states that the function of the PRC within Newcastle is to provide a strong retail presence to provide a focus for retail activity.

There are a variety of other sui generis uses in the immediate vicinity. It is considered that the loss of this GF unit (one a public house and one a retail unit) and its change of use to restaurant on the ground floor would not displace significant amounts of retail floorspace nor would it result in a proliferation or clustering of non-retail uses at street level.

ADAP 2015 Policy HOU3 – Protected Housing Areas highlights the benefits that town centre housing can bring, in particular “..... *continued life, activity and surveillance in the centre outside normal commercial hours.*” and it can “*contribute to the variety and vitality in the Town Centre.*” Policy NE25 of the ADAP advises that a number of houses within Valentia Place are in need of rehabilitation or redevelopment, and that these areas provide an opportunity for those wishing to live close to Main Street and the Seafront. Policy NE 25 states that planning policy will resist the spread of commercial uses into these housing area on the periphery of the town centre which have a useful longer term life.

The proposal involves the demolition of Nos. 2 and 4 Valentia Place. It is recognised that Valentia Place currently comprises of a mix of residential properties and a few other commercial businesses. The loss of these properties to accommodate the proposal needs to be considered in conjunction with the social, economic and tourism benefits that the proposed development will bring to Newcastle Town Centre long term. Given that the properties back onto the public house and given there are other commercial

uses within the row, it is deemed that the loss of these two properties would not be detrimental to the remaining protected housing along Valentia Place.

Tourism

Tourism can be beneficial for urban areas and help to deliver development that is sustainable. It can support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of urban vitality. In specific locations tourism can provide a focus for regeneration schemes or may be a key component of mixed use development.

Policies TSM 1 and 7 of PPS 16 – Tourism are the relevant policy contexts. PPS 16 states that the objectives are

- facilitate sustainable tourism development in an environmentally sensitive manner;
- utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;
- ensure a high standard of quality and design for all tourism development.

This sets out the objectives to emphasis that tourism development of an appropriate nature and location will be encouraged.

Policy TSM 1 - Tourism Development in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

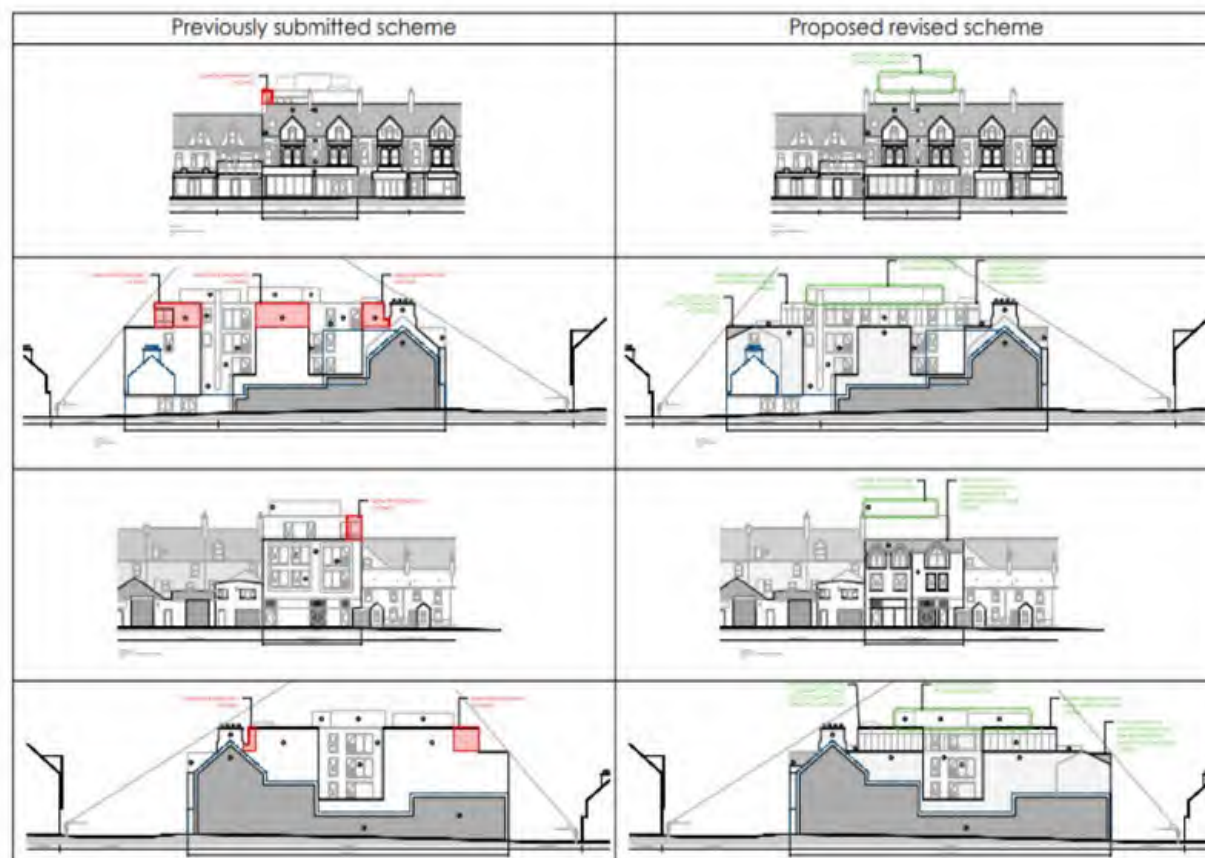
The justification and amplification text at paragraph 7.4 states that account will be taken of the nature, size, scale and design of the development and its impact on the appearance and character of the surrounding area and neighbouring residential amenity.

In principle the proposal would be acceptable subject to the following consideration.

Scale Massing and Design

Main Street, in particular along this part of main street is characterised by a row of terraced buildings of a similar height and design which all front onto Main street. The buildings are characterised by repetition of projected bay windows and dormer windows, tall chimneys, with similar eaves and ridge heights, with a visual harmony established along with the established rhythm. The proposal seeks to relate to the higher of the two terraced buildings along the frontage which are mainly 2 to 2.5 storey high buildings. The proposal then steps up towards the middle of the site to a height of 4 storeys with additional roof top plant, with a set back to the rear elevation at Valentia Place.

As previously mentioned concerns were raised with the agent with regard to scale, massing and design of the proposal and therefore the agent was given the opportunity to amend the scheme. This assessment is based on the amended scheme.



While the proposal would see the demolition of two dwellings within this prominent row of terraces along main street, the Planning Authority has to work within the parameters of planning policy and in this respect, the building is not listed, in addition it does not lie within any designations that would strengthen its protection, i.e. it is not within a Conservation area nor Area of townscape Character. Therefore, while demolition of these buildings is regrettable, the Planning Authority must consider the redevelopment scheme. The continuity of the street elevation is a key consideration in the design development of the scheme's principal elevation onto Main Street. In this respect the inclusion of the repetition of projected bays, tall chimneys, provision of dormer windows, a ridgeline and eaves that match the adjacent building at Nos. 45-57 Main Street will help ensure there is cohesion in the appearance of the development within the wider frontage onto Main Street.

The issue lies with the step up towards the middle of the site to a height of 4 storeys with additional roof top plant, with a set back to the rear elevation at Valentia Place. While

the amended plans do show the set back pushed further back into the site, the building steps up considerably and will be seen from views along main Street in both directions, this would be incongruous in the street scene, contrary to the photomontages and the elevational drawings which have an ethereal effect on the montages and would, if permitted, set an unwelcome precedent along the remainder of the terrace.

When the proposal is viewed from Valentia Place, it is difficult to determine where the context is taken from in terms of the scale, massing and bulk from this viewpoint being completely incongruous with the street scene and would be deemed to be unacceptable in its current form. While it is accepted that there are no consistent eaves height along Valentia Place, the street is predominantly residential and domestic in scale and any proposal would need to be respectful of its context. The middle section of the proposal and the rear section onto Valentia Place take a block form of design. There is nothing of this scale mid terrace along this street and the proposal would be out of character for Newcastle. While amendments have included a monopitch roof and dormers in an attempt to reduce the bulk and massing from this view point, the form is still very similar and is still 3 storey in height. The photo montages show that it aligned with development along that part of Valentia Places, however Planning have to deal with what is currently on the ground, not any future development of adjoining sites and the buildings along this part of Valentia Place are currently domestic in scale.

The roof plan includes a dashed line labelled as an acoustic screen, with spacing around heat pumps. This enclosure extends to 23.42m A.O.D., which is 5m (approx. 2 stories) higher than the ridge of the adjoining building along Main St. (HED also have concerns about this in relation to the views to the listed building – discussed later in the report). While this would be set deeper within the plot, this enclosure will still be visible. It is also indicated as a dashed line on the elevations, which should be corrected and shown as solid, with material specified. This has not been done to date.

While the amendments have attempted to reduce the overall massing, these are deemed to be insufficient and do not go far enough to overcome the scale, massing and bulk issues that have been relayed to the agent.

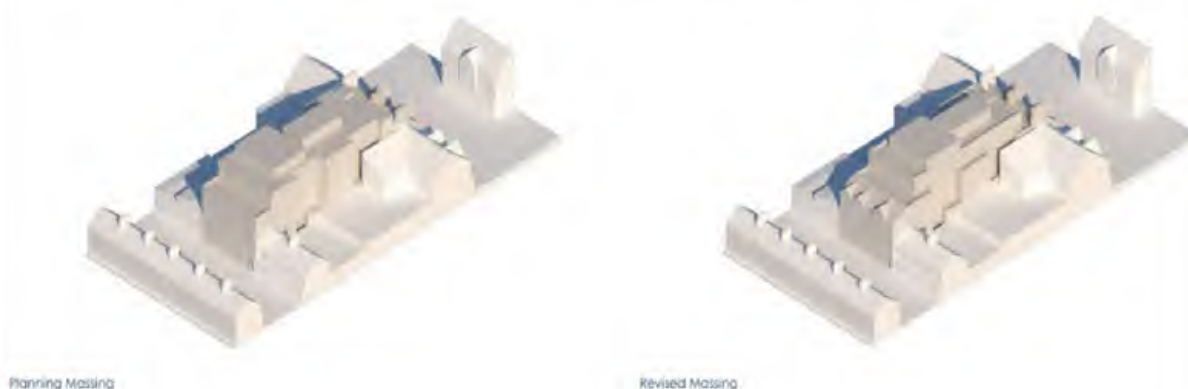
Planning Strategy for Rural Northern Ireland Policy DES 2 - Townscape

This policy has not been superseded by the SPSS and remains to be considered. DES 2 requires proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design scale and overall materials. For the reasons given above, given that the redevelopment scheme has found to be unacceptable in its current form then the proposal would also fail the provisions of DES 2 of the PSRNI.

Impact on residential amenity

In terms of the impact of the building on privacy and residential amenity, an objection has been received in relation to the application. The neighbouring buildings along Main Street are mixed use developments with residential accommodation incorporated in the 1st and 2nd floors. An objection has been received from the owner of the adjacent building at No 57. With regard to the party boundary between the application site and No 57, there is a south facing window. This is located into the main hallway of the first floor apartment, in the rear return. The proposal intends to build in front of this window along the party wall. There is also a first floor flat roof to the rear of no 57 accessible via the rear bedroom door. The building for this 4 storey building would in the objectors opinion, significantly overshadow both the amenity space and the rear bedroom window, both of which avail of a significant amount of southern and western light for a high percentage of the day. The objector states that the proposal would feel overbearing and extremely dominant in scale, in comparison to all of the buildings in the immediate and greater surrounding area. The objector feels that a development of this scale is grossly out of character and the proposal should be significantly reduced to pay greater attention to the buildings around it. Their objection they feel is contrary to the SPPS in that it does not safeguard the existing residential environ.

In consideration of this, it is acknowledged that there are some setbacks introduced to the upper floor levels to provide relief to the development at the most sensitive locations, and to reduce any overlooking and privacy implications. However, due to the scale, massing and bulk of the proposal in its totality, the amenity of the adjoining neighbour would be impacted. The revised massing shows the impact of the overshadowing given the scale of the proposal. The proposal would have an overbearing impact and would be dominant when viewed from the adjoining building.



TSM7 - Criteria for Tourism Development is also applicable to the application. The following design and general criteria must be met:

“Design Criteria

- (a). 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;
- (b). the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department’s published guidance and assist the promotion of sustainability and biodiversity;
- (c). appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (d). utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (e). is designed to deter crime and promote personal safety;
- (f). development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- (g). it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h). it does not harm the amenities of nearby residents;
- (i). it does not adversely affect features of the natural or built heritage;
- (j). it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k). access arrangements must be in accordance with the Department’s published guidance;
- (l). access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
- (m). the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n). access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
- (o). it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided”.

It is considered regarding the proposal that there are no issues with points (a), (c), (d), (e), (f-n/a) and (j) (k), (l), (m) (n-n/a) and (o-n/a). There are however issues with (b),(g), (h) and (i).

While the proposal is compatible with the surrounding land uses, the proposed development as described above will result in an unacceptable impact on this area due to its size, scale and massing and will impact on neighbours (No 57) through overshadowing, and having overbearing nature.

TSM 8 Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

The purpose of this policy is to safeguard tourism assets from unnecessary, inappropriate or excessive development which is a vital element in securing a viable and sustainable tourism industry. The policy is applicable to all forms of development which may impact adversely upon a tourism asset, this may include Areas of Outstanding Natural Beauty, Conservation Areas and historical and archaeological sites, however this is not an exhaustive list. Adverse impact will include visual impact, for example within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists.

It has already been demonstrated that this proposal is inappropriate development with this AONB. The development would detract from the streetscape, be detrimental to the visual amenity and as a consequence would have an adverse impact on this local tourism asset within the Mourne AONB and would impact on its tourism value.

Noise Assessment

In relation to the ground floor restaurant, DCAN 4 recognises 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. Considerations include noise disturbance, smells, fumes, litter, refuse, traffic considerations and car parking issues.

DCAN 4 indicates that preferable locations for this general category of businesses include district centres and local centres and confirms that the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important consideration in determining planning applications. "Preventative measures

can be taken through the development control process for by example restricting opening hours and dealing with the technical aspects of noise and fume attenuation” Reference is made to the fact that local councils also have an important reactive role to play and have extensive regulatory control especially in relation to food and hygiene aspects. Matters such as the form and siting of filtering and extraction equipment can be controlled by way of standard planning conditions, which mitigate the impact of developments that would otherwise be rejected.

Environmental Health were consulted with regard to the proposal and a noise assessment by Irwin Carr Consulting was submitted with the application. Environmental Health have no objections subject to conditions relating to the installation of a Mechanical Ventilation and Heat Recovery System (MVHR), appropriate window glazing for the apartments, sound reduction measures between separating floors, 2.2m high acoustic barrier enclosing the air source heat pumps. A 2.4m high acoustic barrier enclosing the VRF and multi split condensers and the submission of a dust and noise management plan prior to construction. The report concludes that the noise associated with the development would not be deemed unacceptable. These conditions will help to alleviate any concerns of nearby occupants including the concerns from residents.

Built Heritage

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage, states that sustainable development is at the heart of all government policy and is one of the key themes underlying the Department’s approach to planning. In the pursuit of sustainable development is recognised that our archaeological and built heritage is a finite resource which requires effective stewardship.

Policy BH 11 - Development affecting the Setting of a Listed Building

The application is in close proximity to and impacts upon the setting of HB18/15/002A Newcastle Presbyterian Church (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED Historic Buildings) were consulted with regard to the proposal. HED indicate that the proposal was preceded by a Pre-Application Discussion, ref: LA07/2022/0621/PAD for 17No. Apartments on the application site. HED state that although the current scheme has taken on board some of the concerns raised by HED at that time, other comments have not been satisfactorily addressed.

Newcastle Presbyterian Church is a focal point along the northern end of Main Street. It’s square tower sits prominently at the corner of Bryansford Gardens and the adjacent terrace is comprised of a 2 ½ storey row of buildings with canted bays and gabled attic

windows creating a unified rhythm set against the backdrop of the Mourne mountains. The application site is located within this terrace. HED would acknowledge that while outside of policy remit, in and of itself, the demolition and replacement of these terrace buildings of local value contributes to an erosion of the setting of the listed building. In addition, the bell tower of Newcastle Presbyterian Church is considered a prominent feature in the town, designed as a beacon, the same on all four sides, to attract attention from every direction and as such, it is visible above the rooftops on Valentia Place.

On the opposite side of the street sits HB18/15/003, the former St. Mary's RC Church, which is another key focal point in Newcastle town centre. Although not listed, there is a dialogue between the towers of these two churches along Main Street; they are landmarks and provide a source of local identity and pride.

HED found the initial proposal unacceptable. While the Design Statement identifies several buildings in the surrounding area, which are of a similar scale to the proposal, however, they are all located at prominent junctions, at nodal points, or have been intended as civic landmarks and not mid-terrace.

HED asked for photomontages illustrating the proposal in context three from the following locations are required: From traffic lights, south of the former St Mary's RC Church, towards Newcastle Presbyterian Church, From the fire station, No.25 Valentia Place, towards Newcastle Presbyterian Church, From east side of Main St, slightly further North than Newcastle Presbyterian Church, towards application site.

Following a meeting with the agent on 11th Jan 2024, HED Historic Buildings marked up a section drawing in green to indicate what might be considered reasonably sympathetic to the setting of the listed building and therefore favourable under policy requirements.



HED had also requested technical methodology for the photomontages, to provide assurance in terms of accuracy. That has not been provided. In order to fully assess the current proposal, given the considerable height increase in comparison to the adjoining buildings, HED request Visualisations to be in accordance with the Landscape Institute's Technical Guidance Note 06/19, Appendix 10, Type 4 (survey/ scale verifiable) TGN-06-19-Visual_Representation (landscapeinstitute.org) . This is required given the sensitivity of the site, in particular the established rhythm and character in the existing setting. It is fundamental that visualisations provide an accurate representation at pedestrian eye level. Despite asking the agent to provide the verification for the visualisations, this has not been forthcoming.

Detailed explanation can be found within the consultation responses on the character of the setting along Main Street, particularly the visual harmony of the existing terraced row set against the backdrop of the Mournes, which HED consider would be disrupted by the height and massing of the upper levels. In terms of alignment, the evidence provided in the amended scheme in relation to rooftop set-backs, to ensure the upper levels will not be visible from the street, is not sufficient.

On this basis, HED consider the proposal, in its current form, does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.

Natural Heritage

Planning Policy Statement 2 – Natural Heritage, sets out the policy requirements to protect habitats and wildlife and furthers the Northern Ireland Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity.

Policy NH 1 - European and Ramsar Sites - International

The application site is in close proximity to national and European designated sites:

- Murlough ASSI which are declared under the Environment Order (Northern Ireland) 2002; and
- Murlough SAC which is designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora).

Shared Environmental Services (SES) were informally consulted. Given where it is located in town a sufficient distance from any surface water receptor, no HRA (Habitat

Regulation assessment) was required. SES advise that the only reason that may mean a HRA is required is if NI Water have no capacity for connection to sewer infrastructure or the local waste water treatment works. NI Water were consulted and have recommended approval, there is available capacity for the proposal and the WWTW is available. The proposal is compliant with NH 1 of PPS 2.

Policy NH 2 - Species Protected by Law European

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

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

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

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

Both policies are relevant to the proposal. The application was not front loaded with a biodiversity checklist (BDC). On review of the checklist and given the condition of the buildings and that the building is pre- 1914 with a slate roof, the BDC should be completed in the first instance to determine if further surveys are required. The agent has consulted with the applicant and has confirmed that the applicant wishes to progress in the absence of a biodiversity checklist.

The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2, in that development would, if permitted, have the potential to harm a protected species and no evidence has been put forward to determine otherwise.

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

While the choice of materials and finishes, which include a mix of painted render, aluminium windows, a stone clad front and black PVC rainwater goods are considered acceptable in the AONB, the overall scale, massing and design of the development in its totality is not sympathetic to the AONB. The proposal would fail to conserve or enhance the character and features of the AONB.

Traffic, Movement and Parking

Planning Policy Statement 3 – Access, Movement and Parking/DCAN 15 Vehicular Access Standards, sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

DFI Roads have been consulted on the proposal and offer no objection on the basis that this is accommodation is for tourist/ holiday use only and subject to the Service Management plan being conditioned.

A Travel Plan has been submitted along with a Transport Assessment Form (TAF) and Service Management Plan (SMP) prepared by Kevin McShane Ltd. The objective of the Travel Plan is to set out a long-term strategy to maximise the opportunity for staff and visitors to avail of sustainable transport modes and to reduce the dependency on travel by private car. The existing site from Main Street is currently occupied on the ground floor by a non-food retail unit and a neighbouring bar. The upper floors of 59/61 and 63/65 Main Street previously operated as a 12-bedroom hotel. No. 2 & 4 Valentia Place are extant 2-bedroom residential dwellings. Refuse collection and servicing for the proposed development will occur on-street via Valentia Place. Valentia Place presently accommodates service and industry vehicles associated with the extant site use and adjacent developments. An internal bin store is available within the development. On

bin collection days this will be brought to the road edge for collection by the buildings maintenance team. The servicing of the proposed development will occur outside of peak hours via Valentia Place. Loading outside of peak hours will allow the site to be serviced without causing any obstruction and delay to the surrounding road network. The pedestrian access to the proposed development will be located on Main Street and sign posted. The existing pedestrian footways on Main Street and surrounding areas allow for pedestrian access to the public transport hub at Newcastle Bus Station and the bus stops on Main Street and the surrounding roads.

According to the travel plan the proposed site benefits from 9 bus-stops located within a 400m walking distance of the site, in-line with the 400m walking catchment available to bus stops as recommended by 'Transport Assessment: Guidelines for Development Proposals in Northern Ireland'. The travel plan promotes sustainable transport modes of transport such as the promotion of public transport, walking and cycling to and from the site. Measures to reduce reliance on private car usage and promote pedestrian and cyclists to the site have also been considered.

The travel plan indicates that as the site is located within Newcastle town centre, with various sustainable transport options readily available and various amenities within walking distance, there is likely to be a significant shift away from the use of the private car. The Travel Co-ordinator will be responsible for alerting staff and visitors of the benefits of various sustainable transport schemes. The Travel Co-ordinator will be responsible for the promotion of cycling, walking and public transport amongst staff and visitors.

Table 10 - PPS3 & Creating Places Car Parking Requirements - Existing

Unit Type	Parking Standards Use Class	Parking Requirements	Site Parameter	Total Parking Spaces Required
		(non-operational)		
Existing Retail	Class A1: Non-Food retail	1 space per 20m ² GFA	150m ² GFA	8
Existing Bar	Sui generis: Bars (Inside Development Limit)	1 space per 5m ² NFA	154m ² NFA	31
Existing Hotel	Sui generis: Hotels	1 Space per Bedroom	12 Bedrooms	12
Existing Residential	Terraced Houses (Two-Bedroom)	1.5 Spaces Per Dwelling (unassigned)	2 units	3
Total				54

The above table is an extract from the submitted Transport Assessment which presents the car parking requirements associated with the existing site.

Table 11: PPS3 & Creating Places Car Parking Requirements - Proposed

Parking Standards Use Class	Parking Requirements	Site Parameter	Total Parking Spaces Required
	(non-operational)		
Sui generis: Hotels	1 space per Bedroom	27 bedrooms	27
	Restaurant/ Bar at 1 space per 5m ² GFA Resident Staff at 1 space per 3 on duty	266m ² GFA Restaurant 2 Resident Staff	53 + 1
Total			81

The above table presents the parking spaces required for the proposed site in accordance with Planning Policy Statement 3 (PPS3) and Creating Places.

It is noted that the car parking requirements under DOE Parking standards Parking guidelines specifically apply to greenfield, out of town developments where no previous land use is demonstrated. The above car parking standards car parking standards within the urban setting of development.

Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

Policy AMP7 goes on to state *"the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards"*.

The agent has made the above case for no parking for the proposal. The obvious deficiency in terms of parking provision has been addressed by attaching significant weighting to the town centre location and the relative accessibility to Public Transport. The agent has also referred to the provision of a Travel Plan which should be conditioned as part of any approval for subsequent adherence to. Given that the proposal is for tourist accommodation only, the service management plan should also be conditioned. The proposal is promoting sustainable use of public transport, which relies on policy changes to approve town centre development in car free developments. The objectors concerns with regard to parking at Valentia Place are not determining in this case.

It is also worth noting that as the proposal has not been assessed against relevant policies for residential accommodation (in terms of space standards), nor parking

associated with a residential use. Therefore, again if the Council are minded to approve the proposal a condition would ensure that a maximum stay was 30 days with no return within a further 30 days by the same occupant, this would ensure that the aparthotel cannot be used as a long-term residential accommodation.

Site Drainage/Flood Risk

Planning Policy Statement 15 -Flood Risk, sets out planning policies to minimise and manage flood risk to people, property and the environment.

Dfl Rivers were consulted regarding the proposal. The proposal was assessed against Policies FLD 1-5 of PPS 15. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DFI Rivers have reviewed the Drainage Assessment by Kevin McShane Ltd., dated August 2023, while DFI Rivers are not responsible for the preparation of this Drainage Assessment they accept its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy of the Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

On this basis Dfl Rivers offer no objection to the proposal.

A Pre-development Enquiry (PDE) was received from NI Water, dated 05 October 2022, which confirms that there is adequate capacity at the local waste water treatment works and in the foul sewerage network to adequately serve this proposed development. The PDE response also confirms that there is an existing 300mm diameter Combined Sewer located within Valentia Place however no storm drain available. An application for a storm water connection was made to Dfl Rivers, dated 31 October 2022, confirming two designated local watercourses, the Burren River and the Shimna River. An application then was submitted to Dfl Rivers for an off-site storm water connection from the site to the Shimna River located to the south of the development. A Schedule 6 consent, dated 18 January 2023 was subsequently received from Dfl Rivers.

Following consultation with NI Water they have confirmed that there is available capacity at the Waste Water Treatment Works to adequately serve the proposal and therefore they have no objections. The response also confirmed that the connection to sewer should be on Valentia Place, to avoid constrained network.

Water Management Unit were also consulted would therefore recommend that Northern Ireland Water (NIW) are consulted 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. Water Management Unit response states that 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.

As per above NIW are content with the proposal. Therefore, no further consultation with Water Management Unit was necessary.

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. Large scale investment proposals with job creation potential should be given particular priority.

The agent states that the provision of an Aparthotel and restaurant at this location is considered to be vital to Newcastle's attraction as a tourist destination, and will assist in the providing additional footfall and the retention of persons within the town centre for longer periods of time; the latter which will benefit the Town Centre from an economic and social perspective.

The development represents an investment of c.£5m from the private sector, with jobs during the construction phase (with the intention to be to source as much of the construction work as possible from the local building trade). The agent also states it will create up to 50 new jobs during operation, as many as possible of whom will be recruited from the surrounding areas.

Newry Mourne and Down Tourism Strategy 2017-2021, is five year Strategy which sets out the strategic direction of the tourism industry within the district, with the goal of ensuring that the development of tourism is undertaken sustainably and contributes to the enhancement of social cultural and environmental values. Newcastle 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 weighed against the extent of the development and its effect on this area.

Conclusion

The agent has put forward an economic argument which maintains the development will create both construction and up to 50 operational positions. The economic benefits of the development are not disputed and are a material planning consideration to be given appropriate weight.

It is acknowledged that the current proposal will involve the loss of retailing at this town centre location, previous use included for retail at ground floor. However, given the changes generally in retailing in many of our town centres, it is clear that there is a need to respond to the evolving nature of our town centres with a degree of flexibility. The proposal is compliant with the SPPS in this regard. The loss of the 'protected housing' in Valentia Place has also been considered and has deemed to be acceptable given the scale of removal and the site-specific context of the housing involved.

It is considered that in principle an aparthotel development on this site could inject a level of vibrancy to the town centre which is of benefit to both the vitality and viability of the town centre and to the tourist offer in the town, however, this this cannot be at the expense or to the detriment of the area by approving an inappropriate scheme.

While the proposal has no detrimental impact on any designation or designated site. The various competent authorities have been consulted regarding the proposal and offer no objections to it.

In terms of the impact on protected species, given that no biodiversity checklist has been submitted, it therefore cannot be ruled out that the proposal may harm a protected species. The policy incorporates consideration of the three legal tests necessary for European Protected Species when harm may occur and there are legal judgements that these legal tests need to be met. Planning would need to know what if any mitigation/licence would be required etc, hence Planning need this information before the grant of planning permission.

The obvious deficiency in terms of parking provision has been addressed by attaching significant weighting to the town centre location, the relative accessibility to public transport and that this is a tourist accommodation proposal. The agent has also referred to the provision of a Travel Plan and a Service Management Plan which should be both be conditioned as part of any approval for subsequent adherence to.

The aparthotel is a significant building in terms of size, scale and massing in the context of the size of the site, and for the reasons given within the report it is deemed to be inappropriate to the site amounting to overdevelopment of the site and would be out of character with the surrounding area. This is reinforced by the response from built heritage in relation to the impact on the listed building.

While taking the above into account, and even within this town centre setting, the arguments put forward by the agent would not be enough to overcome the scale, massing and design, the residential amenity issues and natural & built heritage issues of the proposal. Appropriate weight has therefore been attached to the economic considerations as set out in the SPPS but on balance they do not outweigh the other planning concerns mentioned in this report.

Recommendation: Refusal

The plans used to assess this proposal include:

Site location plan - MSN-ZZ-DR-A-10-000 (uploaded 06/04/2023)
Proposed site layout - MSN-ZZ-DR-A-10-000 (uploaded 25/05/2024)
Proposed ground Floorplan - MSN-GF-DR-A-20-000 (uploaded 25/05/2024)
Proposed Upper floor Plan - MSN-ZZ-DR-A-20-001 (uploaded 25/05/2024)
Proposed roof plan MSN-RF-DR-A-20-002 (uploaded 25/05/2024)
Proposed Elevations (west & north) - MSN-ZZ-DR-A-20-0021 (uploaded 25/05/2024)
Proposed Elevations (east & south) - MSN-ZZ-DR-A-20-0022 (uploaded 25/05/2024)
Proposed revised scheme comparisons and Massing view 1-4 (uploaded 25/05/2024)

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.
3. The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2 and Policy NH 5, in that it has not been demonstrated that the development would not have a detrimental impact on a protected species.

Informative:	
This refusal relates to:	
The plans to which this approval relate include:	
Site location plan - MSN-ZZ-DR-A-10-000	
Proposed site layout - MSN-ZZ-DR-A-10-000 (uploaded 25/05/2024)	
Proposed ground Floorplan - MSN-GF-DR-A-20-000 (uploaded 25/05/2024)	
Proposed Upper floor Plan - MSN-ZZ-DR-A-20-001 (uploaded 25/05/2024)	
Proposed roof plan MSN-RF-DR-A-20-002 (uploaded 25/05/2024)	
Proposed Elevations (west & north) - MSN-ZZ-DR-A-20-0021 (uploaded 25/05/2024)	
Proposed Elevations (east & south) - MSN-ZZ-DR-A-20-022 (uploaded 25/05/2024)	
Neighbour Notification Checked	Yes
Summary of Recommendation – refusal as per reasons above	
Case Officer Signature: C Moane	Date: 16 October 2024
Appointed Officer: A.McAlarney	Date: 16 October 2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

ADDENDUM TO REPORT

Application Reference: LA07/2023/2585/F

Date Received: 06.04.2023

Proposal: Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.

Location: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle.

Background

The application was presented on the delegated list of W/C Delegated List of 21st October 2024, with a recommendation for refusal, based on overdevelopment.

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an

adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.

3. The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2 and Policy NH 5, in that it has not been demonstrated that the development would not have a detrimental impact on a protected species.

The agent instigated the “call in” procedure and the application was presented to the call in panel on 19th November 2024. The panel members were unanimous in their decision to defer the application to allow the applicant to address the concerns already requested by the Planning Department in relation to scaling, mass and design of the application, and also a biodiversity checklist to address the need for a bat survey. It was advised that the item should then be brought back to a future call-in panel with any engagement, or otherwise, of the applicant.

Further information submitted

A biodiversity checklist (by Starling Ecology) was submitted on 11th February 2025. NIEA Natural Heritage Division were then consulted and advised that as the Ecologist had assessed the buildings within the site to have bat roosting potential then further surveys would be required. A bat emergence survey was then submitted on 16th May 2025. NED responded on 15th September 2025 and while the application site contains potential roosting factors (PRF's), no roosting bats were identified during the “Bat Emergence Report,” dated 11th May 2025. The surrounding areas also contain low levels of bat foraging and commuting activity. NED are content that the demolition of the existing structure is unlikely to have a significant impact on the conservation status of the local bat population provided appropriate mitigation is put in place. NED therefore have no objections. On this basis refusal reason 3 can now be removed.

Amended Plans

Amended plans of the scheme were received 13th March 2025 which forms the basis of this reconsideration. This consideration is based on revised plans;

Proposed Ground Floor Plan - MSN-GF-DR-A-20-000

Proposed Roof Plan - MSN-RF-DR-A-20-002 – RevA

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – RevA

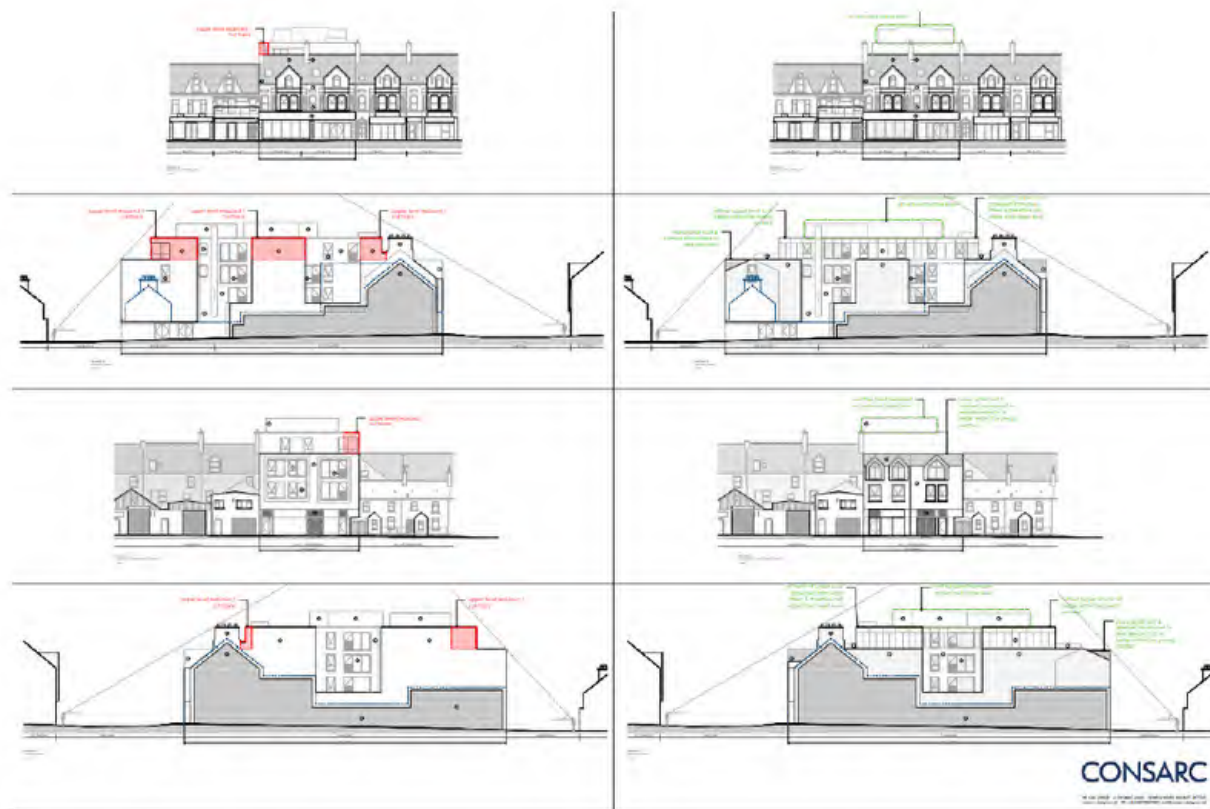
Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – RevA

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-002 – RevA

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-001 – RevA

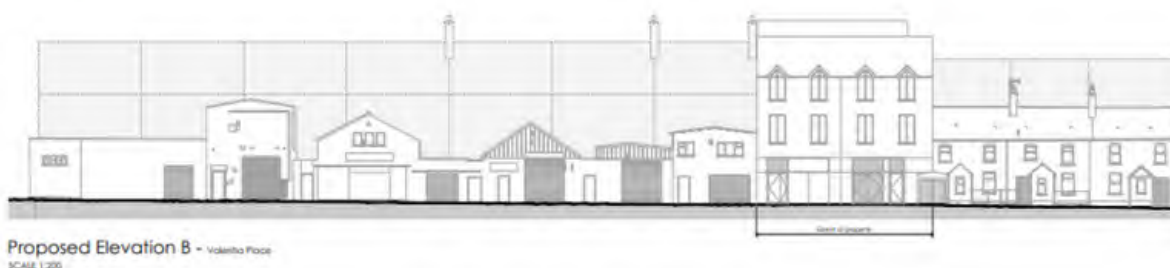
Existing & Proposed Elevations (East & West) - MSN-ZZ-DR-A-20-020 - RevA

Previous schemes



Amended plans





Neighbours were re-notified on 19th March 2025 and a further objection was received from the neighbour at 57 Main Street, who owns the building adjacent to the development. He has confirmed that the revised proposal still fails to address the

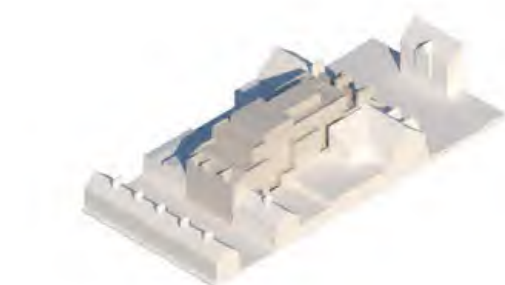
concerns outlined in his original objection. He indicates that the updated drawings continue to show construction directly in front of his existing window. In addition, the scale of the proposed building in comparison to the surrounding properties remains overbearing, and results in overshadowing and overlooking of the amenity space serving the first floor apartment.

Further consultations – Environmental Health

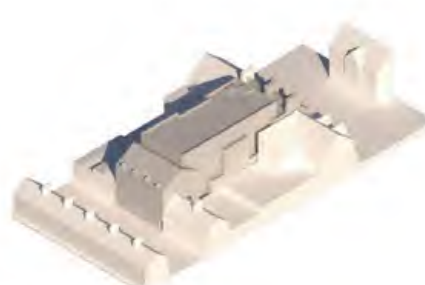
It is noted that the mechanical plant is relocated from the rooftop to a room within the building. An updated letter from Irwin Carr was also submitted which includes mitigation in terms of any impact on plant noise. Environmental Health were reconsulted and responded on 16th April 2025. EH notes additional information provided including amended plans and letter from Agent Irwin Carr and the initial acoustic report submitted and have no objections, subject to conditions;

1. As per the agent email dated 10th March 2025 the separating walls and floor between the plant room and adjacent habitable rooms should be at least 160mm in depth concrete to deliver adequate sound reduction.
2. Window glazing for the apartments as stated 6.4.1 Glazing on page 13 of the Noise report.
3. The installation of a Mechanical Ventilation and Heat Recovery System (MVHR) with acoustic trickle vents for all apartments.
4. As per the noise report the separating floor between the ground floor and the first floor should be at least 120mm in depth to deliver adequate sound reduction.
5. As per the 6.1.2 in the noise report and Appendix E there should be, 2.2m high acoustic barrier enclosing the air source heat pumps. A 2.4m high acoustic barrier enclosing the VRF and multi split condensers and all fences should have no gaps and should have a mass of at least 15kg/m²
6. Prior to construction occurring a dust and noise management plan needs to be submitted to Planning to clearly demonstrate how works will be carried out so not to cause annoyance to neighbouring residential and commercial buildings. This will include hours of operation.

Planning Consideration

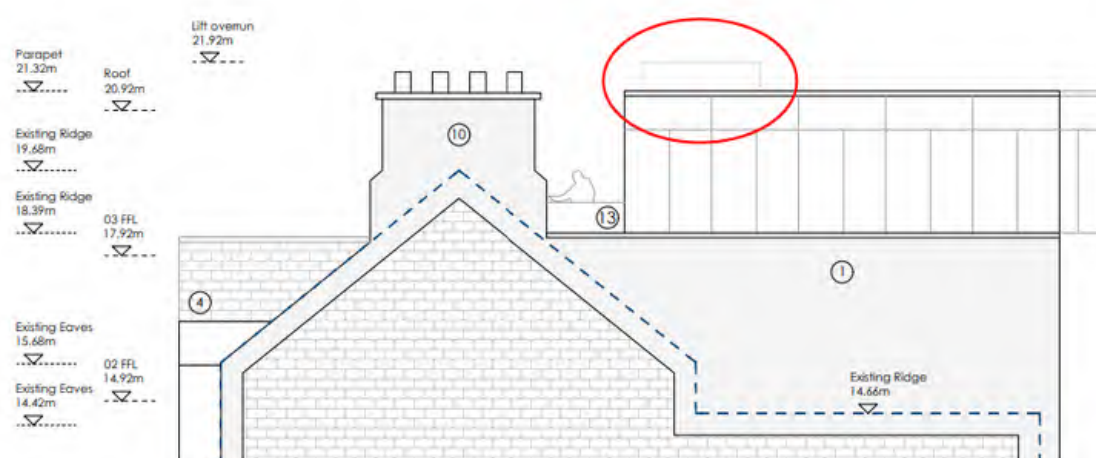


Planning Massing



Revised Massing

It is acknowledged that there has been some set back on the upper levels, the plant has been removed from the 5th level and a small area of the 4th level has been designated for plant. Only the lift overrun remains at the 5th level. This appears as a dotted/shadow weight line on MSN-ZZ-DR-A-20-022 Rev A, and as previously pointed out these higher elements should be shown as solid linetypes. The amended plans do show the set back pushed further back into the site, the building still steps up in line with the chimney and not the actual roofline and will be seen from views along main Street in both directions, this would be incongruous in the street scene, contrary to the photomontages which again have an ethereal effect on the montages and would, if permitted, set an unwelcome precedent along the remainder of the terrace.



Lift overrun (circled) indicated by a dotted line

When the proposal is viewed from Valentia Place, again as previously discussed it is difficult to determine where the context is taken from in terms of the scale, massing and bulk from this viewpoint. The rear elevation has also been amended which now features a pitched roof and dormer windows, and while this type of elevation is an improvement to the previous block form, it is still not of an appropriate scale along Valentia Place and is deemed inappropriate in terms of the scale and the impact it would have on the existing streetscape. While it is accepted that there are no consistent eaves height along Valentia Place, the street is predominantly residential and domestic in scale and any proposal would need to be respectful of its context. The proposed eaves heights have been increased from 16.72m to 17.02m, and the ridge from 18.39m to 20.11m. The current eaves and ridge at this portion of the street is shown as 12.21m and 14.75m respectively.

The middle section of the proposal and the rear section onto Valentia Place still take a block form of design. There is nothing of this scale mid terrace along this street and the proposal would be out of character for Newcastle. There has been no attempt to reduce the middle portion of the site in terms of bulk and massing from this view point and it will still have an overbearing impact resulting in unacceptable overshadowing of neighbouring properties. The form is still very similar and is still 3 storey in height and the number of apartments still remains at 14, so no reduction in numbers. The photo

montages within the massing studies document state “We submit that it would not be unreasonable to assume that this building line may continue along the full length of the street and have prepared an image to support this”. The images show that it aligned with development along that part of Valentia Places, however, this is not what is on the ground at present. Planning have to assess the proposal based on the current built environment, not any future development of adjoining sites and the buildings along this part of Valentia Place are currently domestic in scale.

Built Heritage

HED were reconsulted with the amended plans and responded on 12th June 2025, requesting revised massing studies, raised concerns about the plant on the 5th floor and raised concerns about the eaves heights of the buildings on Valentia Place and references that the application is assessed based on the current built environment and not a notional future. They remain of the view that the wider setting is impacted by the poorly scaled and poor design choice to insert a large-scale development (in relative terms) into the terrace and terrace backs. While each case is considered on its own merits, such a proposal would be an undesirable precedent for the town.

The agent responded on 21st August 2025 by providing an updated massing study and a letter from Consarc Conservation Architects rebutting the points made by HED in relation to Technical Matters – Photomontage and Methodology, Application of Policy BH11 - Assessment of ‘Setting’, Valentia Place Key Heights, Scope of HED’s Statutory Role, Weight Given to Townscape Commentary. The agent also submitted a method statement in relation to the setting up of the photomontages for the proposed scheme on 8th September 2025.

HED were reconsulted and responded

1. We note the refinements and methodology submitted. Note, the methodology is entitled for an alternative project.

2. Setting: we refer the agent to our setting guidance for wider definition of setting which is the surrounds in which a building is appreciated. Guidance on Setting and the Historic Environment | Department for Communities The request for information to date has been to enable a clear assessment on this setting.

3. An additional view was requested but not provided. The following google views of the proposal are required:

“Further examination of the site and the scale of the proposal should be included in any updated photomontages – see also below Google maps view from the junction of Valentia Place and Bryansford Gardens. (See also 3 below). A listed building will be appreciated ‘in the round’ and while this may not be a key view of the building, the lower domestic terrace forms part of the setting within the town.”



4. The agent has referred to the HED role and remit and the weight of HED comment on townscape in their summary letter. HED would respond by reference to point 2 above.

5. From our previous response "Regarding the removal of the plant from the 5th level, and an area designated on the 4th level, HED questions how this has been reduced to a large degree while servicing the same building size, and why the plant no longer requires free air circulation (as it is now fully contained). See also 'Other informatives' below." We welcome clarification on this point.

Upon receipt of further visuals, HED anticipate they will be in a position to respond definitively.

HED remain of the view that such a proposal would be an undesirable precedent for the town. On this basis the second refusal reason still stands. HED would also like to have it noted that the church AND rear hall are included under this listing, so the rear Valentia Place view is material to the setting of the listed building.

Taking all of the above into account, including the amended plans and further information from the agent, along with the continued objection from the neighbour, the amended plans put forward by the agent would not be enough to overcome the scale, massing and design, the residential amenity issues and natural & built heritage issues of the proposal. Appropriate weight had previously been attached to the economic

considerations as set out in the SPPS in the initial case officers report, but on balance they do not outweigh the other planning concerns mentioned in this addendum report.

Recommendation: Refusal

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Requested 3D Views have not been provided.

Informative

The plans to which this refusal relate include:

Site location plan - MSN-ZZ-DR-A-10-000

Proposed Ground Floor Plan - MSN-GF-DR-A-20-000

Proposed Roof Plan - MSN-RF-DR-A-20-002 – RevA

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – RevA

Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – RevA

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-002 – RevA

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-001 – RevA

Existing & Proposed Elevations (East & West) - MSN-ZZ-DR-A-20-020 - RevA

Case Officer Signature: C Moane

Date: 28 November 2024

Appointed Officer: B.Ferguson

Date: 11/12/2025



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

ADDENDUM 2 TO REPORT

Application Reference: LA07/2023/2585/F

Date Received: 06.04.2023

Proposal: Demolition of existing buildings and the erection of an apart hotel comprising of 12No. units, a restaurant, ancillary golf storage area, and all associated site works.

Location: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle.

Background

The application was presented on the delegated list of W/C Delegated List of 21st October 2024, with a recommendation for refusal, based on overdevelopment. The agent instigated the "call in" procedure and the application was presented to the call in panel on 19th November 2024. The panel members were unanimous in their decision to defer the application to allow the applicant to address the concerns already requested by the Planning Department in relation to scaling, mass and design of the application, and also a biodiversity checklist to address the need for a bat survey. It was advised that the item should then be brought back to a future call-in panel with any engagement, or otherwise, of the applicant.

The item was then presented back to Planning Committee in January 2026 with an opinion from planning officers to refuse. The committee deferred the application to allow for submission of requested information (HED) and be referred to Planning Department for consideration by way of Delegated Authority following this submission.

Following Legal opinion, the protocol for the planning committee does not allow for a decision to be opened before the committee and to then be delegated to officers. It

can only be following a decision by the committee, that conditions are delegated to officers, (typically being uncontentious and already detailed in the report). On this basis this Addendum report is being presented back to Planning Committee.

Previous Refusal Reasons (Addendum 1):

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.

2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.

Further information submitted

Amended Plans, an amended P1 form changing the proposal description from 14 units to 12 units, and 3 photo montages as requested by HED.

Amended Plans

Amended plans of the scheme were received 27th February 2026 which forms the basis of this reconsideration. This consideration is based on revised plans;

Proposed Ground Floor Plan - MSN-GF-DR-A-20-001 Rev C

Proposed Roof Plan - MSN-RF-DR-A-20-003 – Rev C

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – Rev C

Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – Rev C

Existing and Proposed Elevations (East & West)- MSN-ZZ-DR-A-20-020 – Rev C

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-000– Rev C

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-002 – Rev C

Amended plans from Addendum 1



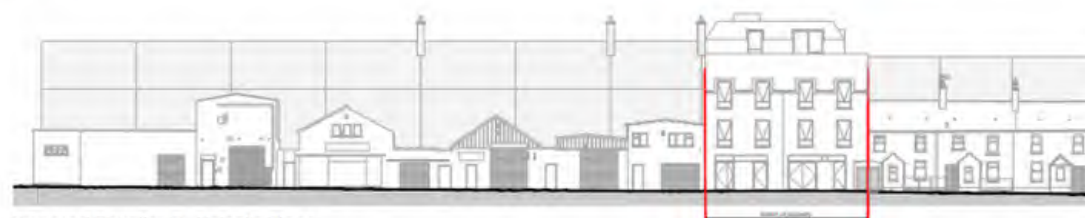


Amended Plans Addendum 2 (current proposal)

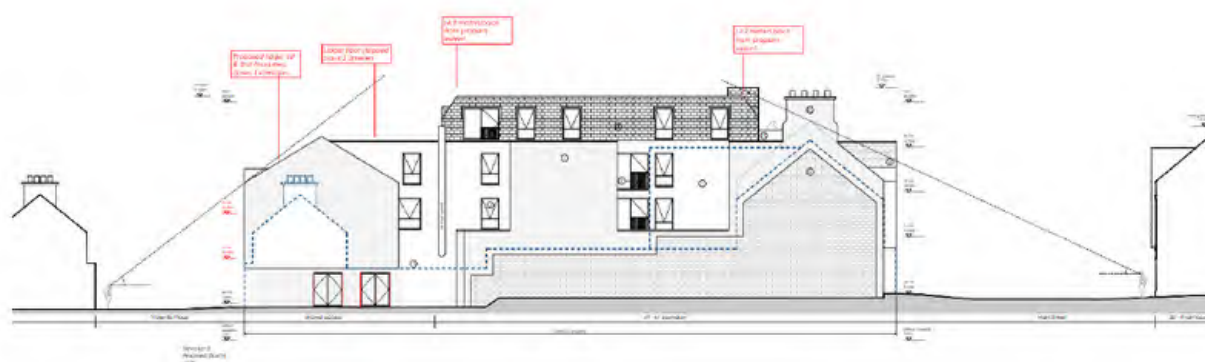




Existing Elevation B - Valentia Place
SCALE 1:200



Proposed Elevation B - Valentia Place
SCALE 1:200



The application was re-advertised in the Mourne Observer on 29th April 2026. Neighbours were re-notified on 3rd March 2026, 13th April 2026 and 16th April 2026 (following failure of some letters to be sent). Barry Hillen, the agent on behalf of his client (at 57 Main Street, who owns the building adjacent to the development and had previously objected) reiterated his concerns. He states that following the Council meeting on 14th January 2026 at which this application was heard, he wishes to confirm once again that his client is in total objection to this application as it sits. He states 'The applicant has given no regard to the site constraints that exist along the neighbouring boundary i.e. existing window on the boundary line. This, alongside the dominance, overbearing and overshadowing issues that this development will lead to are all contrary to the quality standards sought in current planning policy'.

Further consultations – Historic Environment Division

As this scheme is a reduction and no other consultees had any concerns that could not be mitigated by way of conditions, on this basis consultation only took place with HED.

HED (Historic Buildings) has reconsidered the impact of the proposal and advises that they have no further comment to make, as they consider the degree to which the setting of the listed building is affected, is not demonstrated to be significant based on additional information uploaded 27 February 2026.

This has been considered under paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland; and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning,

With the submission of additional views from Valentia Place, HED are now recommending approval subject to mitigating conditions including using natural slate roof, detailed drawings to be submitted detail drawings for frontages to Main Street which shall replicate the following: - Hood mouldings, cornices, finials and brackets, expressed contoured rafter ends, blind panels, dado, decorative verge boards, balconette and rosette 2nd floor detail, chamfered arrises to window openings. Along with no roof top plant to be permissible.

In this regard Planning accept the findings of HED and agree that refusal reason 2 can now be removed.

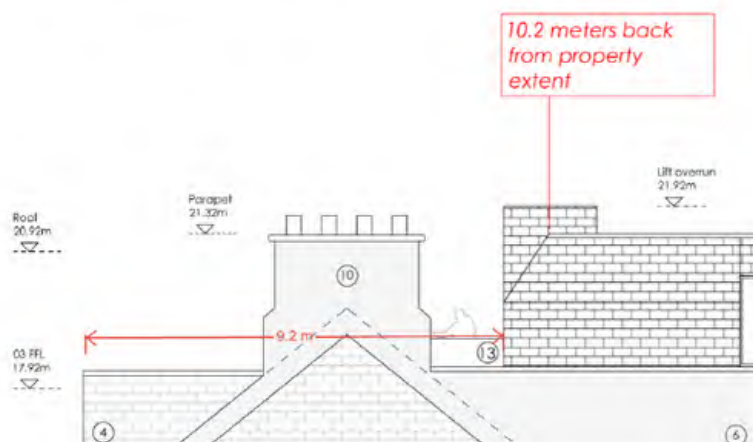
The only remaining refusal reason now relates to planning.

Planning Consideration

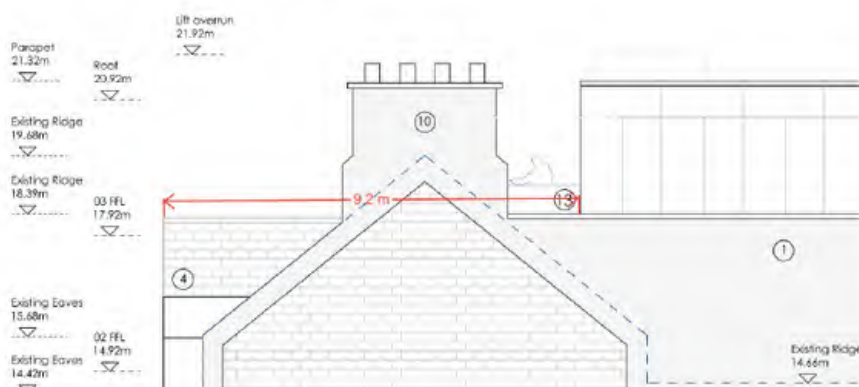
Amended plans were received as detailed above. The plans indicate that the revisions include:

- A reduction in the height of the rear infill block by approx. 1.5m
- Omission of one further apartment from third floor - two apartments overall
- Introduction of a 2.3m set back to the upper floor
- Amendments to the rooftop finishes and plant screening

Current scheme – fig 1

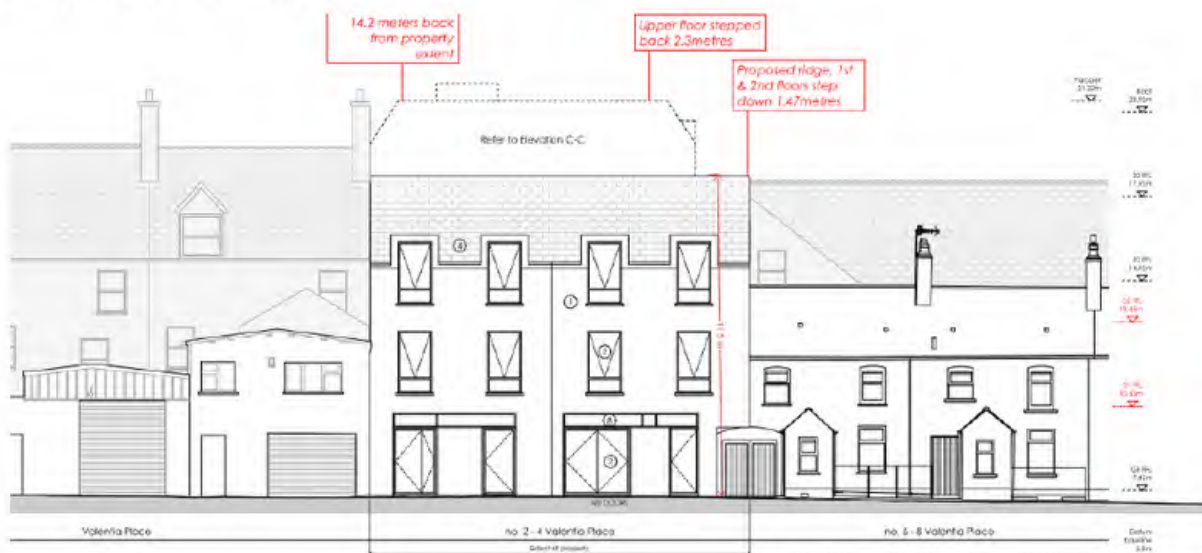


Previous scheme – Fig 2



It is acknowledged that there has been some set back on the upper levels. This again appears as a dotted weight line on MSN-ZZ-DR-A-20-022 Rev C, and as previously pointed out these higher elements should be shown as solid line features on the drawings. The amended plans continue to show a set back at front elevation, however, the built form of the building is in exactly the same position as previous – set back 9.2m the building, it still steps up in line with the chimney and not the actual roofline and this amended scheme is actually slightly higher than the chimney pots. Similarly in the previous scheme, it will be seen from views along Main Street in both directions, this would be incongruous in the street scene.

Current scheme – fig 3



Previous scheme- Fig 4



When the proposal is viewed from Valentia Place, the rear elevation has also been amended which features a pitched roof and dormer windows. While the rear roof form has been redesigned and the upper floor stepped back, this reduction relates only to the rear infill block rather than the overall height of the building, i.e. there is some reduction in the FFL for floors 01 and 02, but the overall ridge height remains approx. 20.92m with parapets extending 21.32m and the lift overrun reaching 21.92m. In addition, the dormers have been changed to flat-headed dormers as they are lower in the roof, which creates a bulkier appearance and increases the perceived mass and scale of this rear elevation.

The proposal is still not of an appropriate scale along Valentia Place and is deemed inappropriate in terms of the scale and the impact it would have on the existing streetscape. Again, it is accepted that there are no consistent eaves heights along Valentia Place, however, the street is predominantly residential and domestic in scale and any proposal would need to be respectful of its context.

While the applicant has reduced the height of the rear infill block by approximately 1.5 metres, omitted one further apartment at third-floor level and introduced some upper-floor setbacks, these amendments do not materially alter the overall scale, massing or visual impact of the proposal. There is nothing of this scale mid terrace along this street and the proposal would still be out of character for Newcastle. The attempt to reduce the middle portion of the site in terms of bulk and massing from this view point, would not be sufficient and the form is still very similar and is still overall 4 storeys in height. The apartments are all two bedroom and sizeable.

The development remains significantly larger than the surrounding built form and continues to represent an overdevelopment of this town centre site. The overall height, bulk and extent of the building remains excessive when viewed in the context of adjoining properties on Valentia Place. The amended scheme would still result in an unduly dominant and overbearing form of development when experienced from neighbouring residential properties. The proposed setbacks do not sufficiently mitigate

the visual mass of the building, nor do they adequately address concerns of the objector regarding loss of light, dominance and overshadowing impacts.

Conclusion

Accordingly, it remains of the view of officers that while the concerns in relation to the impact on the listed building have been overcome, the amended scheme still does not satisfactorily address the previous concerns regarding overdevelopment, excessive scale and massing, adverse impact on neighbouring residential amenity, and failure to integrate appropriately with the character of the area. Appropriate weight had previously been attached to the economic considerations as set out in the SPPS in the initial case officers report, but on balance they do not outweigh the other planning concerns mentioned in this addendum 2 report.

Recommendation: Refusal

Refusal Reason:

1. *The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable loss of light and overshadowing. As such, it conflicts with the SPPS and Policy DES 2 of PSRNI.*

Informative

The plans to which this refusal relate include:

Site location plan - MSN-ZZ-DR-A-10-000

Proposed Ground Floor Plan - MSN-GF-DR-A-20-001 Rev C

Proposed Roof Plan - MSN-RF-DR-A-20-003 – Rev C

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – Rev C

Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – Rev C

Existing and Proposed Elevations (East & West)- MSN-ZZ-DR-A-20-020 – Rev C

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-000– Rev C

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-002 – Rev C

Case Officer Signature: C Moane

Date: 04 June 2026

Appointed Officer: B.Ferguson

Date: 05/06/2026

Application Reference: LA07/2023/2585/F

Proposal: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle
 Location: Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.

The above application has been scheduled for approval at the committee meeting on 14th January 2026.

We feel that our concerns raised throughout the application process have not been addressed and we would ask the Committee to hear these once again and ask the applicant to readdress their proposal.

On behalf of the owner of the adjacent 57 Main Street, Newcastle, which bounds the application sites northern boundary, I write in relation to the aforementioned application. Whilst we fully welcome the redevelopment of this site, we are of the opinion that a more considered response should be given to the neighbouring properties, both commercial and residential.

Having studied the plans available on the planning portal, we feel that we must formally come on record with our concerns.

Initially, with regard to the party boundary between the application site and no.57, there currently exists a south facing window. This is located into the main hallway of the first floor apartment in no. 57, on the first floor landing of the rear return. The proposal intends to build directly in front of this window and along the party wall. Illustrations and photographs have been included at the end of this representation. We find this completely unacceptable, and would ask that a more considered response to existing site restraints is tabled.

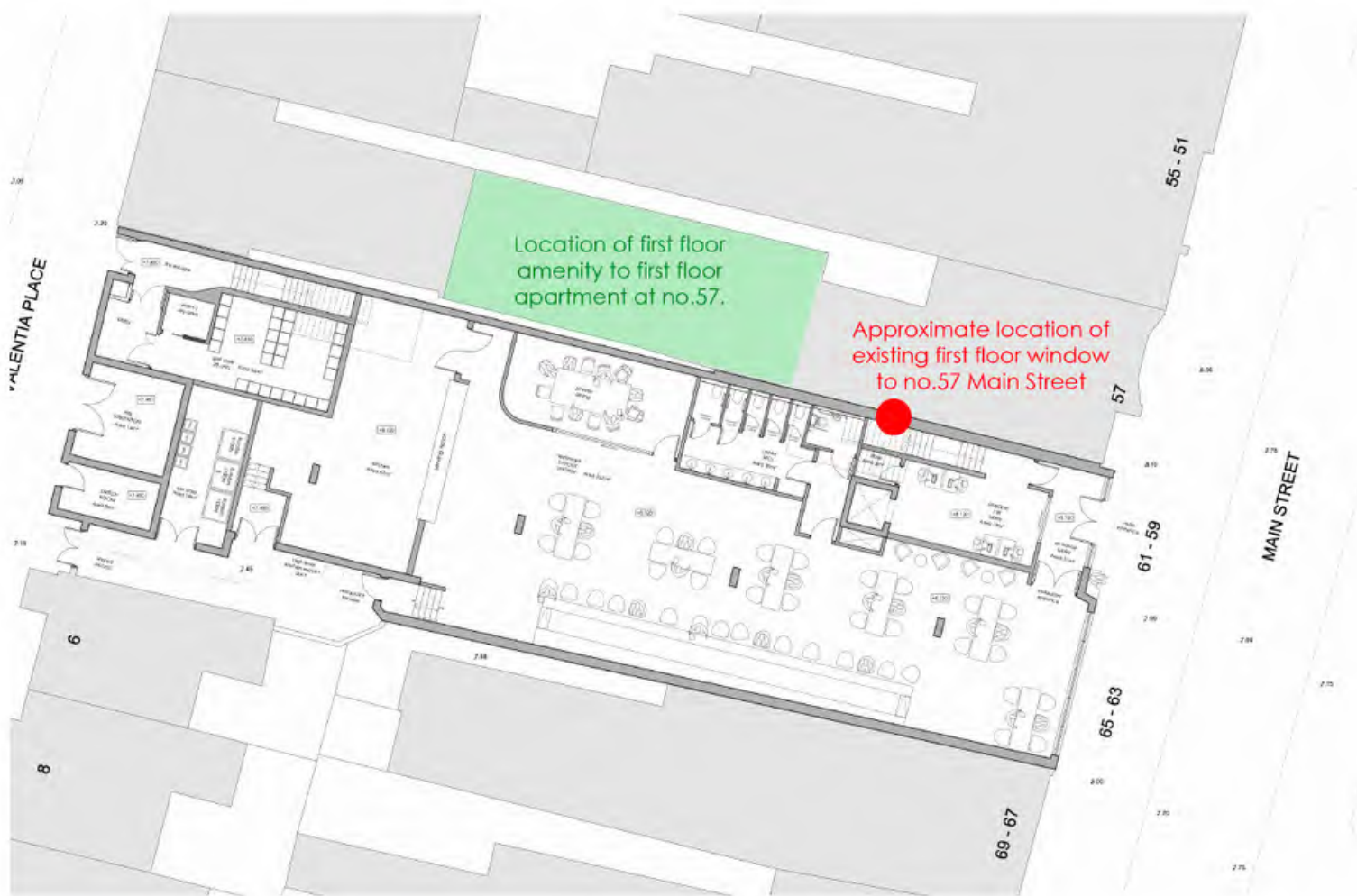
Additionally, the first floor flat roof to the rear of no.57 is accessible via the rear apartment bedroom and is used as an amenity space for the occupants of no.57, accessed via the rear bedroom door. The proposal for this 4 storey building will significantly overshadow both the amenity space and the rear facing bedroom, both of which avail of a significant amount of southern and western light for a high percentage of the day. The proposal would feel overbearing and extremely dominant in scale, in comparison to all of the buildings in the immediate and greater surrounding area. We feel that a development of this scale is grossly out of character, and the proposal should be significantly reduced to pay greater consideration to those buildings around it.

Our objection, in general terms, is to this application in its current form. It is contrary to SPPS in that it does not safeguard the existing residential environ and we would appreciate if you could consider these concerns when assessing the application.

We would appreciate if the committee would consider these objections and ask the planning department to take another look at this proposal which we believe is completely out of character in the area. We are not in objection to the development to the site at all, but feel the scale of the proposal is not in keeping for a two storey dwelling in this location.



Approximate location of existing neighbours window along boundary condition, and existing amenity space.



Window at first floor located on boundary wall to application site.

Speaking Note

193

Main Street, Newcastle – LA07/2023/2585/F

July 2026

Thank you Chair and Members for the opportunity to address you today. With me is Brian Madden from Consarc, the project architect.

As Members will be aware, this application was previously considered by Committee in January 2026. Following that meeting and the concerns raised by Historic Environment Division regarding the setting of Newcastle Presbyterian Church, the applicant carefully reviewed the proposal and made a number of significant amendments.

The scheme has been reduced by two units, the building height along Valentia Place has been lowered, the upper floors have been stepped back further, and the top floor facing Main Street has been substantially recessed from the frontage. These changes have significantly reduced the visual impact of the development within the streetscape.

Importantly, HED has reviewed the revised proposal and no longer objects to the application. They now advise that the development will not result in a significant impact on the setting of Newcastle Presbyterian Church. This represents a notable change from their previous position.

The site is not located within an Area of Townscape Character or Conservation Area, and with the concerns regarding setting now addressed, the wider townscape impacts are also considered acceptable.

Since January, the applicant team has also met with the owner of No. 57 Main Street to discuss the proposal and better understand the concerns that have been raised. While agreement has not been reached, the engagement was constructive and demonstrates the applicant's willingness to work with neighbouring interests should planning permission be granted.

This proposal represents an important investment in Newcastle town centre. It will provide much-needed tourism accommodation, support local businesses, create employment opportunities and contribute to the Council's tourism objectives in accordance with Policy TSM 1 of PPS16.

In summary, the development has been reduced in scale, the concerns raised by Members and consultees have been addressed, and HED now confirms that any impact on the setting of the church is not significant.

My colleague, Brian, has prepared a presentation that further demonstrates why the proposal is considered acceptable in planning terms from a scale, massing and character perspective.

For these reasons, we respectfully ask Members to support the application and grant planning permission.

Thank you. Happy to take any questions you may have.

Report to:	Planning Committee
Date of Meeting:	1 July 2026
Subject:	LDP: Progress – July 2026 Update
Reporting Officer:	Jonathan McGilly, Assistant Director Regeneration
Contact Officer:	Lois Jackson, Development Plan Manager and Planning Enforcement

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	The purpose of this report is to provide Members with an update on progress in respect of the preparation of the Local Development Plan (LDP).
1.2	The report sets out what is programmed for the next quarter (July-September 2026).
2.0	Key issues
2.1	<p>Following a detailed review of submissions received during the initial public consultation on the LDP draft Plan Strategy (27 June – 22 September 2025) and the subsequent period for submission of counter-representations (30 January – 20 April 2026), work continues on revising the draft Plan Strategy through a series of focused and minor amendments.</p> <ul style="list-style-type: none"> • <u>Draft Plan Strategy (dPS) Public Consultation Report</u> - Preparation and drafting of the dPS Public Consultation Report is ongoing. This sets out the Council's position on the issues raised in representations to the dPS and what changes, if any, are proposed. This meets the requirements of Regulation 20(2)(f)(i) and (ii) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. • <u>Updating of the dPS Supporting Documents</u> – Regional Planning policy contained within the Strategic Planning Policy Statement (SPPS) requires LDPs to be informed by robust and up to date evidence. Work is ongoing to update the dPS evidence base including the Sustainability Appraisal, Technical Supplements and other supporting documents to ensure compliance with the SPPS and to address specific issues raised through the public consultations. • <u>Legal review</u> – A legal review of the proposed changes to the dPS is being sought on the proposed changes to the dPS document to ensure that these are not considered to be fundamental changes. DfI Plan Practice Note 10 (Soundness) highlights that where a change is considered fundamental, i.e. being of such significant nature and scale, a Council may be required to withdraw the Plan document.

2.2	<p>A key feature of the local development plan system is 'soundness' which requires the dPS to be assessed against three soundness categories relating to how the Plan document has been produced, its alignment with regional plans, policy and guidance and the coherence, consistency and effectiveness of the content of the Plan. Two key documents are currently being progressed to help demonstrate this: the Self-Assessment of Soundness Report and Compliance with SCI Report.</p> <ul style="list-style-type: none"> • <u>Self-Assessment of Soundness Report</u> – This will demonstrate how the dPS complies with the 12 Soundness Tests set out in DfI Plan Practice Note 10. It will also demonstrate how it meets the regulatory requirements set out in the Planning Act 2011 and LDP Regulations 2015. This will be submitted to the Department for Infrastructure as part of the evidence base underpinning the self-assessment of soundness. • <u>Compliance with SCI Report</u> - Section 8(4) of the Planning Act (Northern Ireland) 2011 requires the LDP to be prepared in accordance with the Council's SCI. In order to demonstrate this a Compliance with SCI Report is being drafted. This will also be submitted to the Department for Infrastructure as part of the evidence base underpinning the self-assessment of soundness.
2.3	<p>Following finalisation of the proposed focused and minor changes further public consultation will be undertaken.</p> <ul style="list-style-type: none"> • <u>Public Consultation on Proposed dPS Changes</u> – DfI Plan Practice Note 10 states that a Council should prepare, publish and consult on its focused changes. An addendum to the dPS will be produced which will set out all proposed focused changes and this will be published for public consultation for a period of 8 weeks in line with Regulation 16 of the LDP Regulations 2015.
2.4	<p>Annual Land Monitoring – The 2026 annual housing monitor was completed in June 2026, work has now commenced on the 2026 employment land monitor.</p>
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>

5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input checked="" type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i> Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input checked="" type="checkbox"/></p> <p><i>Rationale:</i> 8 week consultation on focused changes to the dPS is in line with Regulation 16(2)(a) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.</p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input checked="" type="checkbox"/></p>
7.0	<p>Appendices</p>
8.0	<p>Background Documents</p>
	<ul style="list-style-type: none"> • LDP draft Plan Strategy (dPS). • dPS Assessments (Sustainability Appraisal SA), SA Scoping Report, draft Habitats Regulations Assessment, draft Equality Impact Screening Report and Rural Needs Assessment). • dPS Technical Supplements. • dPS Representations. • dPS Counter Representations.

From: DFI Regional Planning
Sent: 04 June 2026 14:39
Subject: Notification of Withdrawal of Planning Application for the Gruggandoo Windfarm Planning Application (P/2015/0218/F)

CAUTION: This email originated outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Consultee,

Re: Planning Application for Gruggandoo Windfarm (P/2015/0218/F)

Further to previous correspondence on the above planning application, the Department wishes to notify you that the planning application was withdrawn by the applicant on 20 May 2026. The Department has therefore withdrawn its request for the Planning Appeals Commission to schedule a Public Local Inquiry.

Thank you for your inputs and engagement on this case to date.

Yours sincerely

Regional Planning Policy & Casework



Report to:	Planning Committee
Date of Meeting:	01 July 2026
Subject:	Heritage at Risk Northern Ireland (HARNI) Register – Update 2025-2026
Reporting Officer:	Jonathan McGilly, Assistant Director: Regeneration
Contact Officer:	Lois Jackson, Development Plan Manager and Planning Enforcement

Confirm how this report should be treated by placing an x in either:-

For decision	For noting only	x
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1.0	Purpose and Background
	<u>Purpose</u>
1.1	The purpose of this report is to provide Members with an update on the Heritage at Risk (HARNI) Register for Newry, Mourne and Down District Council, as of 31 st March 2026.
	<u>Background</u>
1.2	The Heritage at Risk (HARNI) project is a partnership between the Department for Communities: Historic Environment Division (HED) and Ulster Architectural Heritage (UAH).
1.3	The partnership has two main aims: to maintain a register of heritage assets which are considered to be at risk; and to encourage solutions for the issues they face.
1.4	The HARNI register primarily covers listed buildings considered to be under threat, alongside a selection of unlisted historic structures of local value and scheduled historic monuments. It records properties and structures that suffer from long-term vacancy, poor maintenance, fire damage, or structural instability.
1.5	Since 1993, HED and UAH have, through the Heritage at Risk Project, provided help and advice for existing owners who may wish to engage upon a suitable

1.6	<p>scheme of maintenance; and offer assistance to potential owners that may be interested in restoring a building at risk.</p> <p>An up-to-date register for Newry, Mourne and Down District Council has been published by DfC HED and UAH. A summary of the updated register is available in Appendix A.</p>
2.0	Key issues
2.1	<p>The HARNI register provides various statistics in relation to heritage assets at risk across Northern Ireland. The total number of assets identified on the 2025-2026 updated list stands at 1,191; 186 are within Newry, Mourne and Down District Council. The district has the second highest number of heritage assets identified to be at risk within Northern Ireland.</p>
2.2	<p>The 2025-2026 update to the register contains 4 new additions for the district. They are:</p> <ul style="list-style-type: none"> • HB17/10/017 B: Waiting Room, Former Ballyward Railway Station, adj. to 26 Station Road, Ballyward, Castlewellan, Co Down, BT31 9TU; • HB17/10/017 C: Signal Box, Ballyward Railway Station, adj. to 26 Station Road, Ballyward, Castlewellan, BT31 9TU; • HB16/01/066: 40 Grove Road, Annalong, Newry, Co. Down, BT34 4XB; and • HB17/09/026: 39 Ringsend Road, Castlewellan, Co. Down, BT31 9QY.
2.3	<p>The 2025-2026 updated register notes 1 asset previously identified to be at risk has been 'saved':</p> <ul style="list-style-type: none"> • HB18-13-012: "F. H. Ebbitt Field Study Centre", Boiler room and store, 54 & 56 Bryansford Village, Ballyhafry, Newcastle BT33 0PT.
2.4	<p>The 2025-2026 updated register notes there have been no demolitions of heritage assets at risk across the district during the 2025-2026 year.</p>
2.5	<p>The updated register indicates that Newry, Mourne and Down has a recovery rate of at-risk heritage assets of 29%. The average for Northern Ireland sits at 31%.</p>
3.0	Recommendations
3.1	<p>It is recommended that the Committee notes the content of this report, and the attached appendix A.</p>
4.0	Resource implications

4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>

7.0	Appendices
	Appendix A: Overview of the 2025-2026 HARNI Register
8.0	Background Documents
	N/A

Appendix A: Overview of the Heritage at Risk Register, 2025-2026¹

Prepared for:

Newry, Mourne and Down District Council

Council Area	Heritage at Risk	Added in 25-26	Saved Heritage at Risk	Saved in 25-26	Demolished Heritage at Risk	Demolished in 25-26	Recovery %
AN	34	0	15	1	2	0	42%
AND	52	6	30	1	2	0	56%
ABC	194	4	43	3	7	0	21%
BC	117	5	82	5	5	0	67%
CC&G	101	4	38	3	1	0	37%
DCS	103	8	24	0	6	0	22%
F&O	140	5	25	0	4	0	17%
LC	55	1	19	2	1	0	34%
MEA	81	16	13	0	1	0	16%
MU	128	6	39	0	2	0	30%
NMD	186	4	54	1	1	0	29%
Total:	1191	59	382	16	32	0	
Average:	108	5	35	1	3	0	31%

¹ Supplied by DfC HED and UAH

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING – 20 AUGUST 2025					
LA07/2023/2331/F	66 Moss Road, Glasdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	Withdrawn by the Planning Dept	B Ferguson	Deferred for further consideration	N
PLANNING COMMITTEE MEETING – 25 FEBRUARY 2026					
LA07/2025/0378/F	26 Lisburn Street, Electrotech, Ballynahinch - Change of use from commercial shop unit to 2-bedroom dwelling house	Deferred	B Ferguson	Site visit to be arranged. Following the Annual Meeting, Committee Membership changed and there is no longer a quorum for a site visit. Application to be re-tabled for full consideration at August Committee.	Y
PLANNING COMMITTEE MEETING – 25 MARCH 2026					
LA07/2022/0939/F -	180m north west of 22 Ringhaddy Road, Killinchy - Replacement boat house ancillary to existing camping tourism development to facilitate water sports	Deferred at request of planning department to allow for further consideration.	B Ferguson	Add info to be submitted from agent	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING – 22 APRIL 2026					
LA07/2024/0749/O -	Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR - Section 54 application for non-compliance with condition No. 9, Social Housing Provision, of Planning Approval LA07/2021/2131/F	Deferred to allow for further consideration.	P Manley		N
LA07/2024/0547/F -	Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR - Proposed social residential development consisting of 20no. dwellings and 4 no. apartments with associated landscaping and car parking	Deferred to allow for further consideration.	P Manley		N
PLANNING COMMITTEE MEETING – 22 MAY 2026					
LA07/2024/0308/O	To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW- Site for dwelling and carport	Deferred to allow for a site visit	A Loughan	Following the Annual Meeting, Committee Membership changed and there is no longer a quorum for a site visit. Application to be re-tabled for full consideration at July Committee.	Y