

ARDS AND NORTH DOWN BOROUGH COUNCIL

14 March 2024

Dear Sir/Madam

You are hereby invited to attend a special meeting of the Planning Committee (in-person meeting only) of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Thursday 21 March**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council


A G E N D A

1. Apologies
2. Declarations of Interest
3. Planning Application (Report attached)

3.1	LA06/2023/2434/F	<p>Lands South of 37-77 Court Street and 1-11 Canal Row, situated within Bawn Wall and bounded by the canal, Newtownards.</p> <p>Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of bawn wall. Vehicular access to site will be from Castlebawn Drive.</p>
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MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Alderman McDowell (Vice Chair)
Councillor Creighton	Alderman McIlveen (Chair)
Alderman Graham	Councillor McKee
Councillor Harbinson	Councillor McLaren
Councillor Kendall	Councillor McRandal
Councillor Kerr	Councillor Morgan
Councillor Martin	Alderman Smith
Councillor McCollum	Councillor Wray

Development Management Case Officer Report			
Reference:	LA06/2023/2434/F	DEA: Newtownards	
Proposal:	Proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F) to include roads, parking, infrastructure, landscaping and retention of Bawn Wall. Vehicular access to site will be from Castlebawn Drive.		
Location:	Lands South of 37-77 Court Street and 1-11 Canal Row, situated within Bawn Wall and bounded by the canal, Newtownards		
Applicant:	R. Mussen		
Date valid:	28.11.2023	EIA Screening Required:	Yes
Date last advertised:	14.12.2023	Date last neighbour notified:	09.01.2024
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Dfl Roads	No objection subject to PSD conditions		
Dfl Rivers	Concerns re-FLD 5 and flood inundation area		
NI Water	No objection – available capacity at WWTW		
Environmental Health	No objection subject to conditions relating to noise and contamination.		
NIEA Natural Environment Division	No objection subject to condition relating to final CEMP		
NIEA Water Management Unit	No objection as capacity at WWTW		
Shared Environmental Service	No objections subject to condition to protect the integrity of designated sites.		
Historic Environment Division – Historic Buildings	Content proposal will have no adverse impact on adjacent listed buildings subject to conditions		
Historic Environment Division – Historic Monuments	Content subject to archaeological conditions		

Summary of main issues considered:

- Principle of development
- Design and impact on character and appearance of the area
- Impact on residential amenity
- Impact on built heritage and archaeology
- Access and parking
- Flooding
- Impact on natural heritage

Recommendation: Grant Planning Permission**Report Agreed by Authorised Officer**

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning portal (<https://planningregister.planningssystemni.gov.uk/simple-search>).

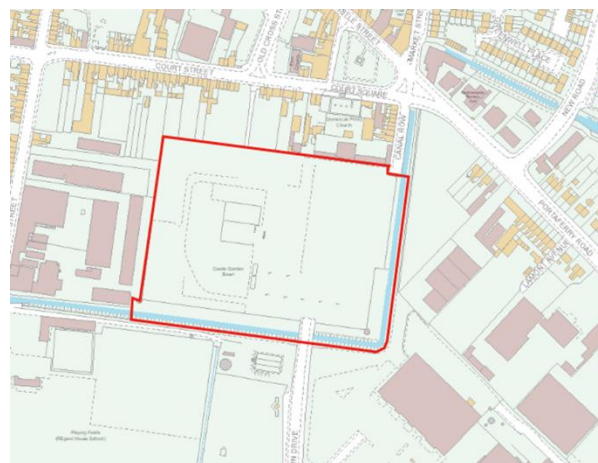
1. Site and Surrounding Area

The site is situated within the Bawn Wall and lands south of 37-77 Court Street, Newtownards. The site is currently waste ground with bits of hard surfacing, rubble and old foundations from previous buildings on the site. The site was historically the site of Castle Garden Spinning Mills. The site is relatively flat. The site is enclosed by the Bawn Wall which is a traditional stone wall. Parts of the wall are in disrepair. Beyond the wall along the southern and eastern boundaries runs a canal with pedestrian walkways.

The site is accessed via an existing road at the A20 Southern Distributor Road adjacent to the Castlebawn retail site.

The area is within the settlement limit of Newtownards and an Area of Archaeological Potential as designated in the Ards and Down Area Plan 2015. The area is mixed with commercial properties, warehouses, retail and residential.

2. Site Location Plan



3. Relevant Planning History

LA06/2023/1938/PAN

Lands South of Nos 37-77 Court Street and Nos 1-11 Canal Row, Newtownards - proposed residential development of 95 dwellings (reduction in density from 108 dwellings approved under LA06/2019/0603/F), to include all roads, parking, infrastructure, landscaping and retention of bawn wall. Vehicular access to site will be from Castlebawn Drive

Proposal of Application Notice deemed acceptable 25 July 2023.

Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals. The threshold for housing sites is sites that are greater than 2 hectares or more than 50 units which applies to this site (95 dwellings on a 4.1 hectare site). The PAN was submitted to the Council 12 weeks in advance of the submission of this application (20 June 2023 and application submitted 24 November 2023).

A Pre Application Community Consultation (PACC) Report was submitted alongside the application setting out that the community consultation was advertised in a local newspaper on 20 July 2023, flyers were distributed to a range of local properties (including homes and local businesses in Court Street, South Street and Portaferry Road) week commencing 17 July, local elected representatives were emailed 20 June 2023 and a public display event was held in Londonderry Park on 2 August 2023.

The PACC report details that public interest in the proposal was negligible. No one attended the public display event on 2 August 2023 and only one query was received from a local elected representative relating to pedestrian linkages through the site to Court Street/ Canal Row. It was therefore deemed unnecessary to amend the proposal as a consequence of the community consultation exercise.

LA06/2019/0603/F - Lands south of 37-77 Court Street, Newtownards, situated within Bawn Wall and bounded by canal with vehicular access from Castlebawn roundabout

Proposed residential development of 108 no. dwellings to include 62 no. detached and semi-detached 3 and 4-bedroom houses and 46 no. 2-bedroom apartments with associated landscaping. The scheme also includes the retention and restoration of Bawn Wall and a linear park with all roads, parking and infrastructure. Main access to the site will be from the A20 Southern Distributor Road with provision for a pedestrian link to Court Street

Planning Permission Granted 14.09.2021.

Approved layout



A number of the pre-commencement conditions attached to the previous approval have been discharged as appropriate.

LA06/2023/1941/NMC - Land South of Nos 37-77 Court Street, Newtownards - Proposed minor amendment to houses types D1 and D1/D2 to slightly reduce floorspace and alter internal layout – Non Material Change Granted 26.09.23.

The history of the site is relevant as there is extant permission on site for 108 dwellings and this proposal is a reduction in numbers to 95 dwellings. The extant permission represents a legitimate fall back. The internal road layout is similar with changes to the house types and designs.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- 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 7 - Quality Residential Environments
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12 - Housing in Settlements
- Planning Policy Statement 15 – (Revised) Planning and Flood Risk

Planning Guidance:

- Creating Places
- DCAN 8: Housing in Existing Urban Areas
- Parking Standards

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is within the settlement limit of Newtownards and an Area of Archaeological Potential. There is no specific zoning on the site. The proposal is therefore considered to be in conformity with the plan provided it complies with the relevant regional planning policies below.

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

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 7 – Quality Residential Environments, PPS 6 – Planning, Archaeology and the Built Heritage and PPS 3 - Access, Movement and Parking.

The Regional Development Strategy 2035 (RDS) acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land and sets a regional target of 60% of new housing to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population. This proposal would allow housing on an accessible and brownfield site within a large settlement in line with the aims of the RDS and SPPS.

As the site is within the settlement limit with extant permission for housing, the principle of residential development is acceptable.

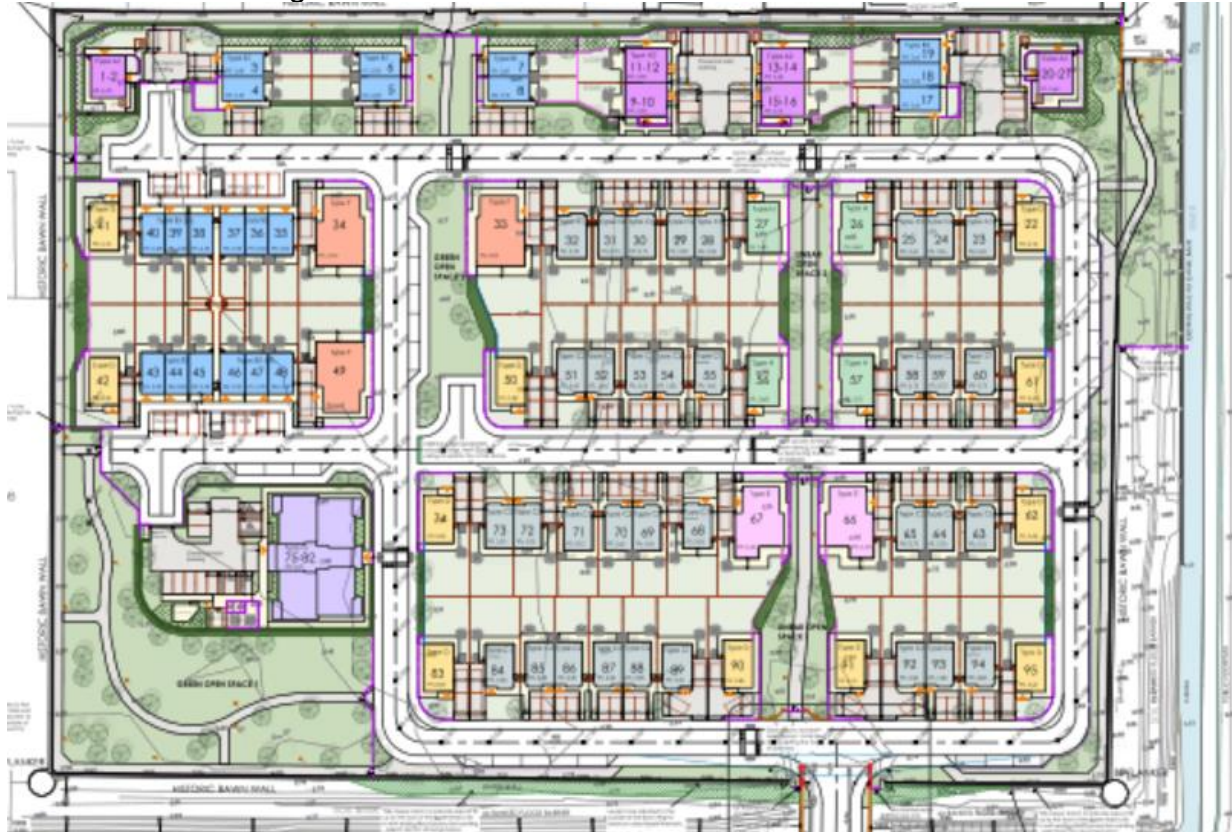
Design, Visual Impact and Impact on Character of the Area

Policy QD1 of PPS 7 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character,

appearance and residential amenity of the local area.

The proposal will not damage the quality of the local area and will respect the surrounding context. The site is within the settlement limit of Newtownards where the character of the immediate area is mixed use comprising commercial, industrial and residential properties. The site is also previously developed land and is currently vacant and derelict (with a history of planning approvals relating to retailing and warehousing, now expired). It is considered that the proposed development will improve the quality of the area by bringing a derelict site back into use and retaining and restoring the Bawn Wall surrounding the site which adds to the distinct local character of the area.

The layout, scale and massing of the proposed dwellings and apartments will respect the topography of the site and the character of the area. The site is relatively flat. The layout of the site has been designed to respect and retain the Bawn Wall surrounding the site with all development located within the wall and pedestrian walkways between the dwellings and the wall.



Proposed Site Layout

The dwellings and apartments will be mainly two-storey, with a few single storey dwellings, which will have pitched roofs to respect the massing within the surrounding area, in particular the nearest properties along Court Street to the north of the site.

The proposed dwellings and apartments will be finished in a mix of red clay facing brick and sand cement render with blue black engineering brick base. The roofs will have either a slate or tiled roof finish with a thin leading edge which will be conditioned to ensure the proposal will have no adverse impact on the setting of any listed buildings to the rear of the site along Court Street. The design and finishes are

considered to be in keeping with the character of the surrounding area. The use of different materials will create interest along the streets and break up the massing of the buildings.

Example elevations of proposed dwellings



Example elevations of proposed apartments



A detailed planting plan, landscape management plan, landscape specification and planting schedule have been provided to demonstrate a comprehensive planting scheme for the site and how the future maintenance of the landscaped areas will be implemented and managed. Planting will be added throughout the site to aid integration, provide interest and soften the visual impact of the development. Pedestrian walkways and two linear open space areas will be included and landscaped to provide linkages with the town centre (aiding permeability) and the built heritage of the site and the surrounding area.

Two areas of communal green open space will be provided within the development. One will be located in the south-west corner of the site and the other will be toward the middle of the site. The layout of both areas of open space have been designed so dwellings/apartments will overlook the green space for security and to provide a quality residential environment.

The density of the proposed development is not considered as significantly higher than the surrounding area. The density will provide 23 dwellings per hectare. This is similar to the housing development of 31 dwellings that is currently under construction on the adjacent site at South Street (LA06/2021/1086/F) which was approved with a density of 23 dwellings per hectare.

It is considered that the density on site, given the edge of town centre location, will not erode the character of the area as the form, scale, massing and layout of the new development will respect that of adjacent housing and will create a quality residential environment with sufficient amenity space, parking, and landscaping.

The proposal is therefore considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, policy LC1 of the Addendum to PPS 7 and all relevant guidance.

Amenity Space

Sufficient amenity space will be provided within the development. The size of plot for each dwelling is adequate to ensure that sufficient provision is made for private amenity space in rear gardens with the average space standard for the development as a whole providing greater than 40m² amenity space per dwelling as recommended in Creating Places. The private amenity space for the dwellings ranges from over 40 sqm to over 137 sqm.

The apartments will be provided with over 10 sqm per apartment as per the guidance in Creating Places. The apartments to the north of the site have areas of amenity space to the rear and surrounding the buildings. The larger apartment block, in the south-west of the site has a shared terrace and clothes drying area, and is adjacent to an area of open space.

In order to comply with Policy OS 2 of PPS 8, as the residential development is for more than 25 units, two areas of useable open space and two linear open space areas with pathways are included within the proposal. The open space has been designed as an integral part of the development. The dwellings adjacent to the open space have been designed to overlook it to provide an attractive outlook and security. The provision of public open space contributes to creating a quality residential environment.

The normal expectation of open space for housing developments over 25 units will be at least 10% of the total site area. The site will provide 0.4 hectares of open space which is the requisite 10% of the 4.1 hectare site.

It is therefore considered that the proposal will provide sufficient amenity and open space for future residents and thus the proposal complies with part (c) of Policy QD1 of PPS 7, Policy OS 2 of PPS 8 and all relevant guidance.

Impact on Residential Amenity

The proposal will have no adverse impact on adjacent dwellings and will cause no significant overlooking or overshadowing. The site will be enclosed by the 2m high Bawn Wall which will help prevent any unacceptable adverse impacts from overlooking or overshadowing. There are no residential properties to the east or south of the site. To the east are retail warehouses (Martin Phillips Carpets, Unit Design Kitchens etc.) and to the south is the canal, Ards Bowling Club and sports pavilion and the car park of Castlebawn Retail Park.

There are existing properties along Court Street to the north of the site but most of the properties are situated between 35-53m from the Bawn Wall which is considered a sufficient separation distance to prevent any unacceptable adverse impacts of overlooking or overshadowing from the proposed apartments (nos. 1-21) that are located along the northern boundary of the site.

There are residential properties in the Priory Courtyard to the north of the site that are within 13m of the Bawn wall and the site. However, at this location the layout of the proposed apartments at nos. 9-16 has been arranged so that the parking area is adjacent to the boundary with the Priory Courtyard and the apartment buildings back onto existing commercial units. This will ensure that any gable windows will look towards the commercial units and the residential amenity of the Priory Courtyard is protected. The Bawn Wall will provide screening to the parking area to prevent any unacceptable adverse impacts on residential amenity.

There are some residential properties along Canal Row to the north-east of the site. There is a sufficient separation distance of over 30m from the rear of the proposed apartments to the gable of No. 8 Canal Row to prevent any unacceptable adverse impacts on the residential amenity of these dwellings.

To the west of the site is an approved housing development along South Street that is currently under construction. It is considered that the proposal will have no unacceptable adverse impacts on the residential amenity of these new dwellings as along the south-western boundary adjacent to the new dwellings will be open space with the Bawn Wall between.

Within the site, the layout has been designed to protect the residential amenity of future residents. There will be sufficient separation distances between the rear of the dwellings with 1.8m high timber fencing between the rear amenity spaces.

The previous planning application (LA06/2019/0603/F) was supported by a Noise Impact Assessment (dated 14 January 2019). This report concluded that subject to upgrading of the glazing, provision of acoustic background ventilation, and incorporation of an extra layer of 13mm plasterboard into the uppermost ceilings, this would ensure that internal noise levels should not exceed those as stipulated within BS8233 and will also achieve WHO Guideline acceptable internal noise levels.

The previous report has been reviewed by Lester Acoustics having regard to the changes proposed in this application and the Council's Environmental Health Department was consulted.

This report concludes that on acoustic grounds the two layouts are comparable, and the conditions previously attached could be repeated. As such Environmental Health is satisfied that the previous conditions are still valid.

Conditions will therefore be added to any approval that relate to noise mitigation measures to ensure the protection of residential amenity within the site.

It is therefore considered that the proposal complies with part (h) of Policy QD 1 of PPS 7 and all relevant guidance.

Access, Roads Safety and Car Parking

Access to the site will be via the existing A20 southern distributor road leading from Castlebawn Roundabout, along Castlebawn Drive. The Transport Assessment submitted as part of the proposal details that this road was constructed as part of the Newtownards South Relief Road in compliance with 'Design Manual for Roads and Bridges' standards.

The internal road network has been designed in accordance with Creating Places and Development Control Advice Note 15: Vehicular Access Standards. The proposed roads consist of traffic calming in the form of raised tables and low speed bends.

The vehicle trips will be reduced compared to the extant permission on the site for 108 dwellings under LA06/2019/0603/F and will cause no increased demonstrable harm to the highway network. The pedestrian, cycling and public transport facilities as well as the highway network are considered acceptable to support the predicted trips for the proposed development.

The site benefits from a high level of accessibility to non-car modes due to its edge of town centre location, its quality pedestrian and cycle linkages and a bus stop is within walking distance less than 150m from the site. Newtownards bus station is also within walking distance.

In relation to the parking provision on site the table below sets out how the proposal meets the parking standards.

House type	No of bedrooms	Number of Units	Spaces Required (per unit)	Required Parking by Standards	Parking Provision provided
Apartments	1	12	1.25	13.25	18
	2	8	1.5	12	12
Terrace Houses	2	15	1.5	22.25	24
Semi-Detached	2	6	2.25	13.5	12
	3	24	2.5	60	76
Detached	3	14	2.75	38.5	
	4	11	3	33	22
Bungalows	3	2	2.25	4.5	4
	4	3	2.5	7.5	6
Formal on-street parking					21
Informal on-street parking					10
Total				205	205

DfI Roads was consulted and offers no objections subject to conditions. The road layout meets current standards and will be adopted by DfI Roads.

DfI Roads has requested a pre-commencement condition that the development shall not be commenced until any highway structure / bridge requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of the Design Manual for Roads and Bridges. The Council considers it unreasonable to add this as a pre-commencement condition as there is extant permission on site which can be implemented without a similar condition (LA06/2019/0603/F). Under that permission DfI Roads did not raise any concerns or attach conditions relating to the bridge. This condition will be re-worded so that the dwellings shall not be occupied until DfI Roads is satisfied that any highway structures/bridge has been constructed in accordance with CG300 of the Design Manual for Roads and Bridges and evidence of this is submitted to the Council.

It is therefore considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policies AMP 2, AMP 3 and AMP 7 of PPS 3, part (f) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Built Heritage

The proposed residential development within the Castle Bawn Wall has the potential to impact upon a number of Listed Buildings along Court Street, to the north of the site which are of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

As such, Historic Environment Division (HED), Historic Buildings (HB) was consulted and commented that it has 'considered the impacts of the proposal on the listed buildings and on the basis of the additional information provided, advises that (it is)are content with the proposal, subject to conditions. These comments are made in relation to the requirements of SPPS paragraph 6.12 and policy BH11 (Development affecting the Setting of a Listed Building) of PPS6.'

HED HB also commented that it 'considers the overall impact of the proposed roofing materials, detailing and scheme as a whole is important to take in account. We understand the development is now less dense than the previously approved scheme to the areas closest to the listed buildings on Court Square/ Court Street, this shall reduce any overall impact of the development. We note that clipped eaves are shown on the current drawings and if clipped then we consider this shall reduce the overall impact of the roofs. Therefore, we consider tiled roof finishes with thin leading edge would be appropriate, subject to detail i.e. a sample being provided and approved. Otherwise, roofs should be slate.'

A condition will be added to any approval that roof finishes shall be either slate or tiled with thin leading-edge profile and if tiled finishes are preferred, then a sample shall be provided prior to works commencing on site for approval. A further condition will be added that the proposed buildings shall have traditional pitched roof forms with clipped eaves. This will ensure that the materials and detailing used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

It is therefore considered that the proposal complies with Paragraph 6.12 of SPPS, Policy BH 11 of PPS 6, part (b) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Archaeology

The site is within an Area of Archaeological Potential and an archaeological site and scheduled monument. The proposed scheme is within Castlebawn 17th century garden, walls and canal and will include retention and restoration of the wall. The regionally important site is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings and Policy BH 4 - archaeological mitigation of PPS 6 are applicable in this case.

Historic Environment Division Historic Monuments (HED HM) was consulted and commented that 'Scheduled Monument Consent (SMC) is required for all on-site works including repairs to the wall, excavation, drainage and development works. SMC was granted for this site on 7th June 2021. HED (Historic Monuments) has reviewed the plans submitted for this scheme. The proposal is similar to that approved under LA06/2019/0603/F. We note a minor change in that gates have now been added to the pillars on the southern entrance, this element of the scheme and any other changes affecting scheduled areas would require SMC. The applicant should engage directly with the HED Scheduling section to address all relevant issues.'

HED HM also commented that it is content with the proposed scheme subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

The requested conditions will be added to any approval.

It is therefore considered that the proposal complies with Policy BH1 and BH 4 of PPS 6, part (b) of Policy QD1 of PPS 7 and all relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as all dwelling units will front onto the road, parking areas or public open space and rear amenity space will be protected by fencing and landscaping. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

Local Neighbourhood Facilities

As the proposal is for 95 dwellings there is no need to provide local neighbourhood facilities as part of the development. The site is within the settlement limit of Newtownards with access to shops, services, education etc. It is therefore considered that the proposal complies with part (d) of Policy QD1 of PPS 7 and all relevant guidance.

Designated Sites and Natural Heritage

As the site is hydrologically linked to designated sites, this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of the Council which is the competent authority responsible for authorising the project.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. It is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. The condition to be included is to ensure a Final Construction Environmental Management Plan (CEMP) is submitted prior to works commencing on site.

A Preliminary Ecological Appraisal and outline CEMP was submitted, and Natural Environment Division (NED) was consulted. It has no concerns subject to a condition.

The submitted ecological reports demonstrate that the site is not suitable for protected species, priority species or habitats.

NED has requested that a similar condition is added relating to the submission of a final CEMP prior to the commencement of works.

It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2 and will have no likely adverse impacts on designated sites, protected or priority species, habitats or features of natural heritage importance.

Flooding and Drainage

The site is bound to the south and east by a watercourse which is designated, under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Newtownards Canal'.

Policy FLD1 - Development in Fluvial and coastal Flood Plains

DfI Rivers was consulted and reviewed the Flood Risk Assessment and Addendum by Elliott Design Solutions, and while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure

The site layout & landscape plan demonstrates a suitable separation distance from the watercourse and as such Policy FLD 2 is satisfied.

Policy FLD3 - Development and Surface Water

DfI Rivers reviewed the Drainage Assessment by Elliott Design Solutions, dated November 2023, and commented as follows:

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, is managed by way of a condition relating to the submission of a final drainage assessment prior to the construction of the drainage network.

Policy FLD4 - Artificial Modification of watercourses

Is not applicable to the site based on information provided.

Policy FLD5 - Development in Proximity to Reservoirs

DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Kiltonga Nature Reserve and Strangford Lough Wildfowlers Pond reservoirs.

Whilst DfI Rivers is in possession of information confirming that Kiltonga Nature Reserve reservoir has 'Responsible Reservoir Manager Status', this is not the case in relation to the Wildfowlers Pond.

It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Strangford Lough Wildfowlers Pond is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5. However, in relation to this site, DfI Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Strangford Lough Wildfowlers Pond.

A section of the proposed development in the west of the site is located within the hazard rating considered as low. However, in the event of an uncontrolled release of water there will be risk to some, including children, the elderly and infirm, as these groups can be more vulnerable to risks associated with flood water.

Nevertheless, the overall risk at this section of the proposed development is considered to be an acceptable combination of depth and velocity, apart from development that involves the more vulnerable groups listed above. Planners may wish to consider the Flood Risk Assessment by Elliott Design Solutions, dated November 2023, which states “this development is not bespoke and is not intended for any vulnerable groups and therefore should remain compliant”.

It is considered that as it has been demonstrated that the proposed development is not bespoke or intended for any vulnerable groups, determining weight is being given to the overall low risk in the event of potential inundation from a reservoir.

Further to Dfl Rivers analysis a section of the proposed development located at the south-west portion of the site is considered high. This is considered by Dfl Rivers to be an unacceptable combination of depth and velocity for this particular development proposal. Policy FLD 5 of PPS 15 states that there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity.

The text at paragraph 6.61 of PPS 15 refers to a presumption against development rather than an outright ban or moratorium.

As accepted by the Planning Appeals Commission in appeal decision 2018/A0098, the use of the word ‘presumption’ is not an absolute term and suggests that there could still be instances where a decision to approve a proposal might be acceptable.

In this case the inundation area is considered to affect a large portion of Newtownards and not only part of the application site. Therefore, whilst recognising the harm that Policy FLD 5 seeks to protect against, the Council considers that the public interest in bringing a comprehensive redevelopment scheme to this derelict site outweighs this particular policy non-compliance.

Dfl Rivers also commented on flood risk in the climate change scenario and advised the Council that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps indicate that a portion of the site lies within the 1 in 200 year Climate Change coastal flood plain. The predicted 1 in 200 year Climate Change coastal level at this location is 3.67 mOD.

The Flood Mitigation section of the Flood Risk Assessment addendum has proposed flood mitigation methods, which include flood resistant and resilient construction to a level of 4.27mOD. This level is to provide protection up to 600mm higher than adjacent 1 in 200 year Climate Change coastal flood level. This is considered acceptable to ensure there is no future flood risk to the development from the climate change scenario.

The proposal is therefore acceptable from a flood risk perspective, and it is considered that it will not result in flood risk to the development or elsewhere.

Contamination

As the site is previously developed land the Council's Environmental Health and NIEA's Regulation Unit were consulted.

Environmental Health commented that:

A Phase 1 PRA, Phase 2 GQRA and outline remedial strategy, was submitted for the previous approval on the site (LA06/2019/0603/F). Information from this report has been used to compile an updated Contaminated Land Assessment.

Five areas of soil contamination (above the residential SGV's) have been detected at the site. With the proposal for the site to include residential with gardens and grassed amenity areas the remediation strategy has been developed to remove the pathway associated with direct contact with the contaminated soils in these areas of the site. The source of the exceedance compounds is considered to relate to the made ground in these areas of the site. Therefore, on the basis of the information submitted, Environmental Health has requested that conditions are added to provide mitigation and protect public health.

Regulation Unit commented on an updated Contaminated Land Assessment report and whilst some ground and shallow groundwater contamination has been detected at the site, no unacceptable risks have been identified to environmental receptors. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Decision Notice as recommended.

The requested conditions will be added to any approval to ensure the protection of environmental receptors and the site is suitable for use.

Social Housing

The Council was made aware by the NI Housing Executive (NIHE) that this proposal is being brought forward by Radius Housing for proposed delivery before the end of March 2024 i.e. for Radius to enter into a Development Agreement with the developer. This will require full planning permission to be issued before the end of March 2024 – thus the basis of the request for a Special meeting of the Planning Committee.

NIHE detailed that there remain significant Planning and NI Water delivery constraints across the Social Housing Development Plan this year, and it will be very challenging to meet the overall Starts target of 1,500 units in the event that this proposal cannot secure Planning Approval before the end of March 2024.

NIHE set out that the 5-year projected social housing need for Newtownards is 211 (for the period 2022-2027). At September 2023 there were 709 applicants on the waiting list for Newtownards, of which 518 were in housing stress. There is a high and growing need for family accommodation in Newtownards and a shortage of proposals for 2- and 3-bedroom houses. This proposed scheme will help to address this growing gap in supply and provide sustainable homes for families in this area.

A condition will be added to any approval to confirm that this residential development is allocated for Social Housing only to ensure the proposal contributes to meeting the required social housing need in Newtownards.

5. Representations

No letters of representation have been received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The residential development hereby approved shall be allocated for social housing use only and shall be managed by a registered Housing Association or the Northern Ireland Housing Executive.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. The proposed buildings shall have traditional pitched roof forms with clipped eaves.

Reason: To ensure that the detailing used is of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

4. All roofs shall be finished in either slate or tiles with a thin leading-edge profile. If tiled finishes are to be utilised, then a sample shall be provided to the Council for approval in writing in conjunction with HED prior to works commencing on site, and the roofs shall be finished according to the approved sample.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

5. All hard and soft landscape works shall be carried out in accordance with the approved plan Drawing No. 05, and the appropriate British Standard or other recognised Codes of Practice. Prior to the occupation of any dwelling unit hereby approved, details of the proposed phased implementation of hard and soft landscaping works shall be submitted to and agreed in writing by the Council. The hard and soft landscaping works shall be subsequently

implemented in accordance with the timings detailed therein and be permanently retained.

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

6. 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.

7. No more than 25 of the dwelling units hereby approved shall be occupied on site until the proposed open space as indicated on Drawing No. 03A has been laid out in accordance with the approved details. The open space areas shall be permanently retained and shall not thereafter be used for any purpose other than as open space/ play space.

Reason: To ensure amenity space is available concurrently with the development of the site.

8. The long-term management and maintenance of the open space, as indicated on Drawing No. 03A, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing by the Council prior to the occupation of any dwelling hereby approved.

Reason: To ensure the provision and maintenance of public open space within the site.

9. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with Policy FLD 3 & Annex D of PPS 15, to the Council for agreement in writing, which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161 of The Water and Sewerage Services (Northern Ireland) Order 2006, in a 1 in 100 year event including an allowance for climate change (10%) and urban creep (10%). The development shall be carried out in accordance with the assessment as approved.

Reason: In order to safeguard against surface water flood risk.

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist,

submitted by the applicant and approved in writing by the Council. The POW shall provide for:

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

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

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

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

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

13. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:
- a) Construction methodology;
 - b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d) Water Quality Monitoring Plan;
 - e) Environmental Emergency Plan.

Reason: To prevent likely significant impacts on Strangford Lough Special Area of

Conservation (SPA)/Special Area of Conservation (SAC) and Strangford Lough Part 1 Area of Special Scientific Interest (ASSI).

14. A 600mm capping system shall be installed within all the garden and grassed amenity areas of the proposed site as indicated on Drawing No. 03A.

Reason: Protection of human health.

15. On completion of the remediation and prior to the occupation of any dwelling hereby approved, the applicant shall provide to the Council, for approval in writing, a Verification Report. This report must demonstrate that the remediation measures outlined in the report titled; 'Contaminated Land Assessment (Phase 1 PRA, Phase 2 GQRA and Outline Remediation Strategy) Lands within the Bawn Wall, Newtownards, referenced P3098-1 and dated November 2023, have been fully implemented. This report shall demonstrate the successful completion of remediation works and demonstrate that the site is now fit for end-use and include details of:

- Capping system
- The methodology and programme of the capping system
- Photographs and records of any excavation works within the source area including photographs showing depths to accommodate the capping layer
- Photographs of the clean material being used and placed on the source area, also showing depths being placed
- Records and photographs showing the depth of the capping system as required
- Details of the materials that were used for the capping system along with laboratory certificates and results which confirm that the materials are suitable for use.

Reason: Protection of human health

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

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

17. After completing the remediation works under Condition 16; and prior to occupation of any dwelling, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and

wastes in achieving the remedial objectives and shall be subsequently implemented.

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

18. No development or piling work shall commence on this site until a piling risk assessment has been submitted and agreed with the Council in writing. Piling risk assessments must be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at:
<http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.
 In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

19. Glazing incorporated into the dwelling units shall be capable of providing a sound reduction index of at least 31 dB Rw.

Reason: In the interests of amenity.

20. Prior to occupation of each dwelling unit a passive acoustic ventilation system shall be incorporated into the dwelling unit which is capable of achieving at least 31dB RW when in the open position. The ventilation system shall comply with the ventilation rates as specified in Technical Booklet K1 and shall be permanently retained.

Reason: In the interests of amenity.

21. The uppermost ceilings of all proposed dwelling units shall be upgraded with an extra layer of 13mm plasterboard (staggered joints) which will provide a sound reduction index of at least 49 dB Rw.

Reason: In the interests of amenity.

22. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 06A.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

23. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No 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 No. 06A. 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.

24. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.06A prior to the commencement of the development hereby permitted.

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

25. The area within the visibility splays and any forward sight line shall be cleared prior to the commencement of the construction of the development hereby approved 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.

26. No dwelling unit shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling unit.

27. No dwelling unit shall be occupied until the provision of parking for that unit has been constructed in accordance with Drawing No. 02A. All parking areas shall be permanently retained thereafter and used for no other purpose other than the parking of vehicles.

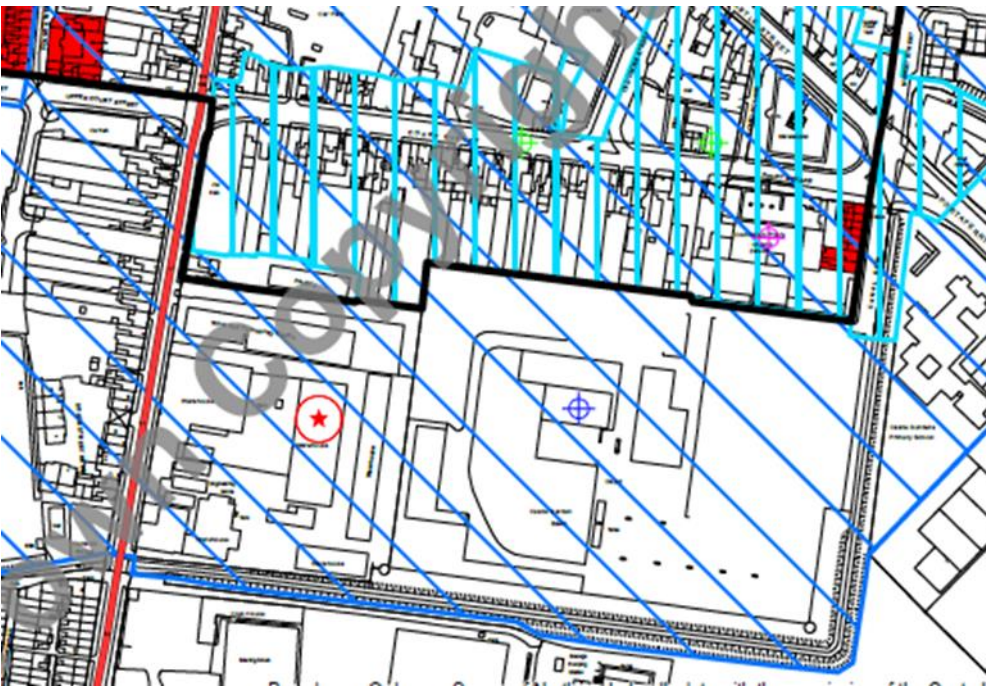
Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

28. No dwelling shall be occupied until DfI Roads is satisfied that any highway structure / bridge requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been constructed in accordance with CG300 of the Design Manual for Roads and Bridges and evidence of this is submitted to the Council.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges due to road alterations on the bridge deck.

Informatives:
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.

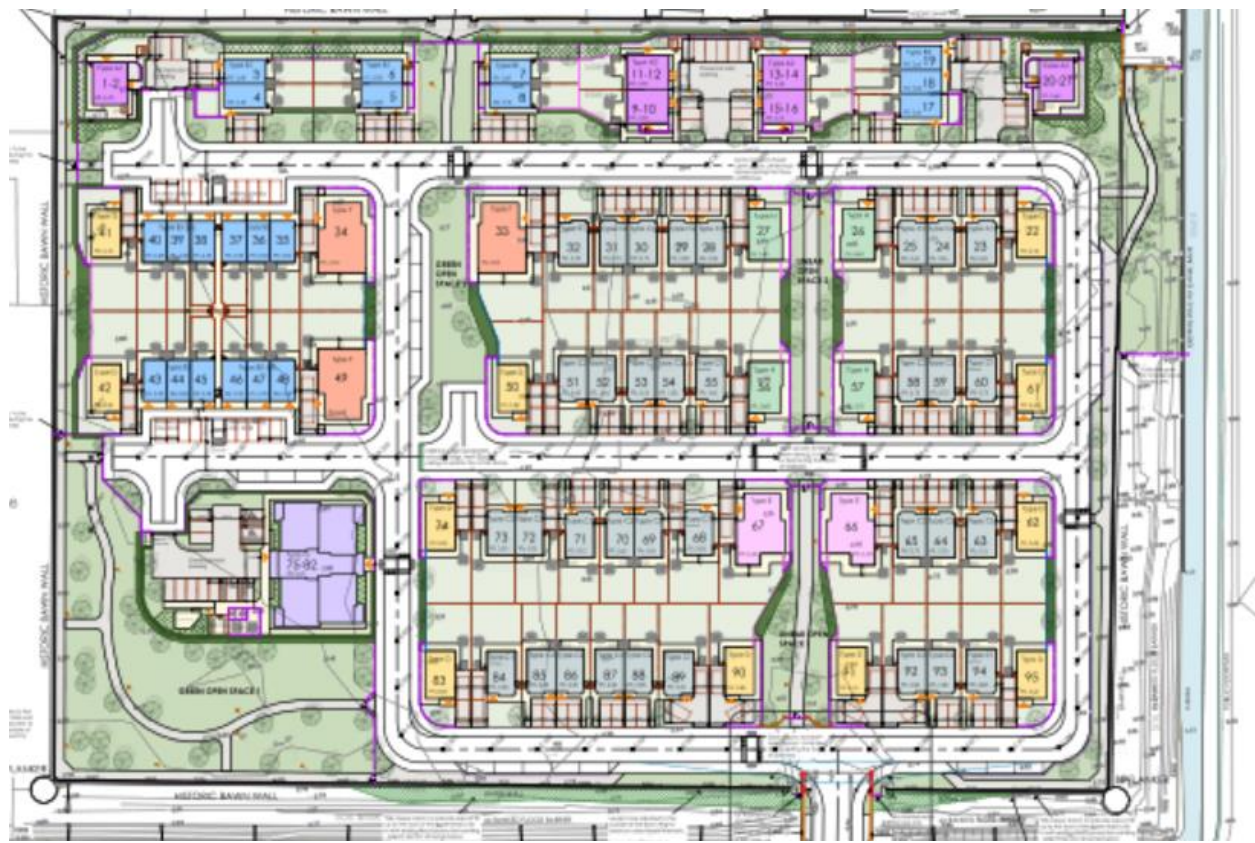
Aerial Image of Site



Ards and Down Area Plan Extract

Demonstrates site is within an Area of Archaeological Potential (dark blue hatching) and contains an archaeological site and scheduled monument (red asterisk in circle).

Proposed Site Layout



Previous Approved Layout



Examples of Proposed House Types



Examples of Proposed Apartments



Contextual elevations



Site Photos

Views of the Bawn Wall from different locations throughout the site





Access to the site



View along the canal

