

Development Management Case Officer Report

Application Ref: LA06/2020/0097/F | **DEA:** Bangor Central

Proposal:

- Demolition of existing buildings at 5-12 and 35-41 Queen's Parade, 22-30 Main Street (formerly B&M Bargains), 34-36 Main Street (Oxfam and Hospice shops), 6-34 King Street and 5-17 Southwell Road;
- Minor extension and elevational changes to 40-42 Main Street (Caffe Nero);
- Creation of new means of escape and installation of rooflights to 20 Main Street (Halifax);
- Creation of new bin storage and basement access together with minor facade works to 48 Main Street (TK Maxx);
- Erection of a mixed use development comprising:
 - culture and leisure facilities (class D)
 - a 66 bedroom hotel
 - retail units
 - food and beverage outlets
 - offices (class B1 (a))
 - 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments along King Street
- Creation of new vehicular access onto Southwell Road to serve under-croft car park comprising 217 spaces together with 14 courtyard spaces and 24 on-street;
- Creation of new vehicular access onto King Street to serve residential parking;
- Minor modifications to the Main Street and King Street junction and creation of a two-way street along Southwell Road from the junction with Primrose Street;
- Creation of a new service vehicle access onto Main Street;
- Creation of new public squares and courtyards including new pedestrian access points; and
- the redevelopment of Marine Gardens Car Park including partial demolition of sea-wall to create a public realm space comprising gardens and lawns, play areas, events spaces, covered shelters, 4 kiosks and 2 pavilions (housing food and beverage operators), and water feature together with other ancillary development.

Location:

Lands at and to the rear of 18 to 52 Main Street (Reeds Rain to TK Maxx), 2 to 34 King Street, 5 to 17 Southwell Road, 5 to 41 Queen's Parade, Marine Gardens car park, the Esplanade Gardens and the area around McKee Clock, Bangor

Applicant: Bangor Marine Limited

Agent: Turley

Date Valid: 31/01/2020

Env Statement Requested: No

Date last Advertised: 07/01/2021

Date last Neighbour Notified: 07/01/2021

Consultations: Yes

Representations: Yes

Letters of Support	9	Letters of Objection	4	Petitions	0
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Summary of Main Issues:

- Principle of development
- Consideration against Development Plan and draft Development Plan
- Regeneration and economic benefits of development
- Public interest
- Overall design of development
- Impact on the setting of nearby listed buildings
- Impact on the appearance of the proposed ATC and the demolition of buildings
- Traffic impact and parking provision
- Impact of contaminated land on human/environmental receptors
- Ecological and environmental impact on features of natural heritage importance
- Environmental impacts including noise impact and impact on air quality
- Flooding and Drainage issues
- Impact on the residential amenity of existing properties

Case Officer: Andrea Todd

Recommendation: Grant Planning Permission

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 www.planningni.gov.uk

1. Introduction and Outline of Proposal

- 1.1 In May 2019, Bangor Marine Ltd, a joint venture partnership between Farrans and the Karl Group, was appointed as the preferred developer to deliver a £50 million investment project for this site. The proposals align with the principles identified by the former Department for Social Development (DSD), now the Department for Communities DfC), within its town centre masterplan for Bangor, the Queen's Parade Development Brief and the previous planning permission for the site, granted in 2015.
- 1.2 A Pre-Application Discussion (PAD) was held in 2018 with the Council's Planning Department prior to the submission of the application, involving the input of representatives from a wide range of statutory and non-statutory bodies.
- 1.3 The final proposal submitted under this application has been informed by the views expressed through the pre-application consultation process. This included engagement with members of the public, key stakeholders, statutory and non-statutory consultees and the Council's Planning Department.
- 1.4 The proposal comprises:
 - The demolition of existing buildings at 5-12 & 35-41 Queen's Parade, 22-30 & 34-36 Main Street, 6-34 King Street and 5-17 Southwell Road
 - Refurbishment of 5,330 sq. metres of commercial property along Main Street
 - An indoor kids' recreational area (1,440 sq. metres)
 - A 3-screen cinema (1,503 sq. metres)
 - A 66-bedroom hotel (5,627sqm)
 - Retail units (1,323 sqm)
 - Food and beverage outlets (430sqm)
 - Office accommodation (6,599 sq. metres)
 - 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments.
 - Under-croft car park comprising 217 spaces together with 14 courtyard spaces and 24 on street spaces
 - Minor modifications to Main Street/King Street junction and creation of two-way street from along Southwell Road from junction of Primrose Street
 - Creation of new vehicular accesses onto Southwell Road and King Street and new pedestrian and service vehicle access onto Main Street
 - Creation of new public squares and courtyards
 - Redevelopment of Marine Gardens Car Park to create a public realm space (to include 2 pavilion buildings and 4 kiosks) and event space

2. Description of Site and Surrounding Area

- 2.1 The application site is located at Queen's Parade within Bangor town centre and covers an area of land just over 5 hectares. The immediate area within which the site lies is predominantly commercial in nature given the town centre location, with a variety of retail and service uses along Main Street. However, there are also existing residential areas to the immediate south and west of the site on King Street and Southwell Road as well as the leisure and recreation uses associated with the various areas of public open space and Pickie Fun Park to the north of the site adjacent to Bangor Marina. The site itself encompasses the existing Marine Gardens car park adjacent to Bangor Marina, along with areas of existing open space to the north and west of this, and an area of land on the southern side of Queen's Parade which is framed by Main Street, King Street and Southwell Road.



Figure 1 - Aerial View of Site

- 2.2 The area of land on the southern side of Queen's Parade comprises a mix of occupied and vacant properties which front onto each of the streets. A significant number of buildings which originally fronted Queen's Parade were demolished some years ago. In recent years, this vacant piece of land has been occupied by the Council-run initiative, Project 24, on a temporary basis pending redevelopment of the site. Project 24 contains a number of re-purposed painted shipping containers occupied by various artists set within a landscaped area

with pebbled paths throughout along with a covered canopy area which is used for a number of events throughout the year ('The Hub'). To the immediate rear of the Project 24 area is an existing temporary car park and beyond this is the public King Street car park. The site is affected by two rights of way; one known as The Vennel, which runs across the site from Queen's Parade at the immediate east of Project 24, along the rear of the properties on Main Street and through to King Street to the north; the other right of way runs across the site in an east/west direction from Southwell Road towards the Vennel.



Figure 2 - Project 24 and The Hub, Queen's Parade

- 2.3 The Marine Gardens car park, lying at a slightly lower level on the opposite side of Queen's Parade, has pockets of trees and planting dispersed throughout with a low stone wall along the boundary with Queen's Parade. To the immediate east of the car park is an area of open space including a fountain as a central feature and the listed McKee Clock. Beyond this to the north is an additional hard landscaped area of open space with trees dispersed throughout, with the existing public toilet block located along the northern boundary of the site.



Figure 3 - Marine Gardens Car Park

- 2.4 The topography of the site falls initially quite steeply in a north/north westerly direction from its highest point at the junction of Main Street/King Street down

to Southwell Road and Queen's Parade where the ground then levels out and is relatively flat across Queen's Parade itself and the Marine Gardens car park. Fronting King Street within the confines of the site to the south, is an existing row of red brick and render terraced dwellings with their associated rear gardens. These properties have been vacant for some time now pending redevelopment of the site. Fronting onto Southwell Road along the western boundary of the site is a mix of two and three storey terraced dwellings. These are larger properties than those on King Street and have painted render finishes and bay window detailing. These buildings are all also now primarily vacant. The building at the corner of Southwell Road and Queen's Parade appears to have been last used as a bar/public house and has some attractive architectural features including a curved bay feature on the corner of the building which seems to be an architectural feature quite typical of this part of Bangor town centre. Beyond this building on Queen's Parade, the remaining buildings are three storey in height with commercial uses at ground floor and traditional sliding sash windows and painted render finish on the upper floors.



Figure 4 - King Street (Looking towards Southwell Road)



Figure 5 - The Vennel at King Street showing the rear of TK Maxx



Figure 6 - Southwell Road (at junction with King Street)



Figure 7 - Queen's Parade viewed from junction with Southwell Road

2.5 Beyond the Project 24 area on Queen's Parade there is a three storey terrace with painted render finish and some attractive bay features at first floor level. These properties are also now vacant. The remaining buildings fronting Queen's Parade beyond this (towards Main Street) are outside of the application site boundary. These include the Fountain Centre which is a more modern three storey rendered building, Queen's Parade Methodist Church which is a building of stone construction, Caproni's ice cream shop which has a brightly coloured painted render finish and then the Red Berry Café which is a traditional three storey painted rendered building occupying the corner of Queen's Parade and Main Street. This building also displays some attractive architectural features including a corner tower feature with turreted conical roof similar to that on the building at the corner of Queen's Parade and Southwell Road.



Figure 8 - Junction of Queen's Parade/Main Street

2.6 On Main Street, beyond the Red Berry Cafe, are three more three storey rendered buildings which lie outside the site boundary. These include The Courtyard café and shop, RnB's Barista Bar and Barclay's Bank. Beyond these, the stretch of buildings from Reeds Rains up to TK Maxx are all included within the site boundary with the remaining buildings leading up to the junction with King Street excluded from the application site. The existing buildings between Reeds Rains and TK Maxx are primarily modern flat roofed two to three storey buildings with brick, render and glazing panel frontages.



Figure 9 - Main Street (Looking towards Marina)

3. Site Location



Figure 10 - Site location plan showing existing right of ways in green

4. Planning History

- LA06/2019/0608/PAN** Regeneration proposal for Bangor town centre comprising redevelopment of Marine Gardens car park to create public realm area, gardens, kiosks and event space; and the redevelopment of lands at Queen's Parade comprising a mixed use development consisting of hotel, retail, office, community, cultural and recreation floor space, eateries and residential development together with the creation of new public squares and courtyards including new pedestrian access points; car parking and the relocation of Project 24, Lands bounded by 18-52, 66 and 68 Main Street, 2-51 King Street, 5-18 Southwell Road, 5-41 Queen's Parade and Marine Gardens car park, Bangor (PAN – Proposal of Application Notice for current application)
- W/2014/0456/F** Demolition of existing buildings at 9-12 and 35-41 Queen's Parade, 20-42 Main Street, 6-34 King Street and 5-17 Southwell Road; retention, conversion and extension of 5-8 Queen's Parade for a 40 bedroom hotel; erection of a mixed use development comprising culture and leisure facilities (class D), a 64 bedroom hotel, retails units, restaurants, offices (class B1 (a), 72 apartments and 8 terraced dwelling houses, multi-storey car park comprising 351 spaces, new accesses at King Street and Southwell Road, creation of a courtyard plaza and public open space on Marine Gardens including: play equipment, landscaping, bandstand, covered walkways, relocation of temporary buildings (Project 24) and covered event spaces as well as other ancillary uses, Lands bounded by 18-52 66 and 68 Main Street, 2-51 King Street, 5-18 Southwell Road, 5-41 Queen's Parade and Marine Gardens car park, Bangor
Approved 20.07.2015
- X/2014/0199/F** An aluminium-framed temporary structure with pvc roof, to be erected over an event space at the centre of "Project 24" A public space used for community engagement through Art. The structure is intended to provide shelter for events held by and on behalf of the council. (The Hub)
Approved 23.06.2014
- W/2012/0423/F** 24 month temporary permission to erect 6 Urban Art Pods with associated community gardens and landscape features, Land between 12 and 33 Queens Parade, Bangor (Project 24)
Approved 25.04.2013
- W/2007/0667/F** Site for temporary car parking prior to full scale development. The site will be cleaned of vegetation and

the surface smoothed to remove obstructions, Re-development Site at 13-34 Queens Parade, Bangor
Approved 27.11.2008

W/2003/0946/F Redevelopment to include theatre, hotel, tourist information centre, retail development, restaurants, bars, shops, car parking, apartments, sheltered housing, 13-34 Queens Parade, 4-34 Kings Street & former King Street Timber Yard, Bangor.
Appeal Upheld 27.04.2005

W/2002/0943/F Temporary Public Car Park, Re-development site at 13-34, Queens Parade, Bangor.
Approved 10.07.2003

A number of applications to extend the time permissions for Project 24 and The Hub have been approved under W/2015/0007/F, LA06/2016/0885/F, LA06/2018/0137/F, LA06/2019/0121/F, and LA06/2019/122/F, with the final dates for removal being 24 April 2021 for Project 24 and 30 June 2021 for The Hub. Further applications are anticipated to extend the time periods on Project 24 and The Hub to ensure continuity of use whilst awaiting redevelopment of the site.

Consideration of Planning Permission W/2014/0456/F

The planning history of most relevance to the current proposal is W/2014/0456/F which granted permission for a similar mixed-use redevelopment scheme for the site to that currently proposed. This was submitted by the Department for Social Development. The permission for this previous scheme expired relatively recently on 19 July 2020 and remains an important material consideration in the assessment of the current application.

Table 11 below sets out a comparison of the development approved under the previous permission with the current development proposals which is useful in establishing a baseline for the assessment of the current application and highlights the main differences between the two schemes.

Table 11 – Comparison of current proposal with previous approval

	W/2014/0456/F	LA06/2020/0097/F
Extent of Demolition	9-12 & 35-41 Queen's Parade, 20-42 Main Street, 6-34 King Street & 5-17 Southwell Rd	5-12 & 35-41 Queen's Parade, 22-30 & 34-36 Main Street, 6-34 King Street & 5-17 Southwell Rd
Open Space and Public Realm	Courtyard plaza at Queen's Parade, public open space at Marine Gardens including	Central 'Market Place' Square at Queen's Parade, smaller 'Trinity Square' courtyard to rear

	playground, artificial beach area, grassed areas, water feature, bandstand, covered event space and kiosks	of hotel, residential courtyard at centre of apartment complex, public open space at Marine Gardens including hard surfaced and grassed/landscaped areas, central water feature, four kiosks and two pavilion buildings
Office Accommodation	1,505sqm floorspace	6,599sqm floorspace
Residential Accommodation	72 apartments 8 terraced dwellings	137 apartments
Hotel Accommodation	One 40-bed hotel (conversion and extension of 5-8 Queen's Parade) One new 64 bed hotel	One new 67-bed hotel
Leisure/Recreation Uses	3,389sqm floorspace	2,943sqm floorspace
Retail Uses (Class A1)	3,779sqm floorspace	1323sqm floorspace
Restaurants/Food & Beverage Retail	481sqm floorspace	430sqm floorspace
Parking Provision	Removal of all existing parking and provision of 390 new spaces	Removal of all existing parking and provision of 255 new spaces

In summary, compared to the previous permission, the current proposal involves:

- a significant increase in office and residential accommodation
- a reduction in retail and hotel provision
- comparable levels of leisure/recreation and restaurant provision
- a more simplified public realm area at Marine Gardens, to facilitate 'event space' which also now includes two pavilion buildings for food/beverage operators, and inclusion of four small scale kiosks
- demolition of 5-8 Queen's Parade in addition to the extent of demolition previously approved
- inclusion of an additional public square at Queen's Parade (Trinity Square) and a private residential courtyard for the proposed apartments

- a reduction in parking provision from 390 spaces to 255 spaces

5. Planning Policy Framework

- North Down and Ards Area Plan 1984-1995
- Bangor Town Centre Plan 1995
- Draft Belfast Metropolitan Area Plan 2015 (BMAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement (PPS) 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 4 Planning and Economic Development
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 6 Addendum - Areas of Townscape Character
- PPS 7 Quality Residential Environments
- PPS 8 Open Space, Sport and Outdoor Recreation
- PPS 15 Planning and Flood Risk (revised)
- PPS16 Tourism

6. Supplementary Planning Guidance

- Development Control Advice Note (DCAN)15: Vehicular Access Standards
- Creating Places
- Living Places
- DCAN 8 Housing in Existing Urban Areas

7. Consultations

7.1 Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed in the table below.

Consultee	Response
DFI Roads	No objections subject to conditions
DAERA - Water Management Unit	The proposal has the potential to adversely affect the surface water environment; however, it is considered to be acceptable subject to conditions.
DAERA – Marine and Fisheries	Content with proposal.
NI Water	A network capacity check for the watermain and foul sewer is required. The receiving Waste Water Treatment Facility has capacity. No public storm sewer is available. Applicant should liaise with DFI Rivers Agency to ascertain if discharge is possible to any local watercourses. If this option is

	not deemed viable the applicant may wish to requisition NI Water to provide a suitable storm outfall sewer.
Environmental Health	No objections subject to conditions
DAERA – Regulation Unit Land and Groundwater Team (Land, Soil & Air)	No objections subject to conditions.
DAERA Natural Heritage	No objections subject to conditions
DfC – Archaeology and Built Heritage	<p>HED Historic Monuments is content with the proposal subject to conditions.</p> <p>HED Historic Buildings is content with the principle of the development. However, it is considered that the proposed ‘cinema’ building would result in a negative impact on the setting of 1st Bangor Presbyterian Church, when long views are considered. In addition, proposed plant will be highly visible on the hotel, Main Street and cinema blocks. HED advises the Council that this should be explored thoroughly in terms of townscape prior to determination if it is minded to approve the application.</p>
DFI – Rivers Agency	<p>The site is in an area of inundation emanating from Clandeboye Lake, Ballysallagh Upper Reservoir and Ballysallagh Lower Reservoir. It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Clandeboye Lake is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed. The overall hazard rating at this site is considered high. This is therefore considered by DfI Rivers to be an unacceptable combination of depth and velocity for this particular development proposal.</p> <p>With regard to potential impact on coastal or fluvial flood plains, DfI Rivers, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.</p> <p>With regard to drainage of surface water, DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions subject to</p>

	submission of a final drainage assessment prior to commencement.
Shared Environmental Service	No objections. Proposal will not have an adverse effect on the integrity of any European site subject to the recommended conditions.
Health and Safety Executive NI	No comment

8. Legislative Requirements

Proposal of Application Notice (PAN) and Consideration of Pre-Application Community Consultation (PACC) Process

- 8.1 As the proposal falls within the category of major development as outlined in The Planning (Development Management) Regulations (Northern Ireland) 2015, this proposal was subject to legislative requirements to carry out pre-application community consultation prior to submission of the planning application. A PAN was submitted to the Council on 29 May 2019. The Council wrote to the applicant on 21 June 2019 confirming that the PAN submission was acceptable. The current planning application was submitted to the Council on 31 January 2020, more than 12 weeks after receipt of the PAN, as required by Section 27 of the Planning Act (Northern Ireland) 2011 ('the Act').
- 8.2 In accordance with Section 28 of the Act, a Planning Application Community Consultation (PACC) Report was submitted with the application. The report satisfactorily outlines how community consultation was carried out in accordance with the requirements of Section 27 of the Act and Regulation 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 ('the DM Regs').
- 8.3 Two public events were held as part of the consultation process, the first on 18th and 19th June 2019 and the second on 1st and 2nd August 2019, both at 'The Hub', Project 24, Queen's Parade, Bangor. Both events were advertised respectively in the local press on 6th June and 25th July 2019 in accordance with Regulation 5 of the DM Regs. In total, approximately 440 people actively took part in the four public events and provided feedback. In addition to this, two unmanned public exhibitions were stationed in the Aurora Leisure Centre, Bangor from 28th June - 5th July and from 5th August – 16th August 2019. 2,400 information leaflets with freepost feedback forms were also distributed to existing residents and surrounding properties within 500m of the site prior to the June public events. Postcard style flyers were issued to properties in the surrounding area prior to the August events. Finally, a dedicated website for the consultation process was launched on 18th June 2019 (www.queensparadebangor.co.uk). By 16th August 2019, the site had received 4,554 views.

8.4 Other means of consultation undertaken included the following:

- A dedicated drop-in session was held for elected representatives of the area during the June event and during the August consultation, Councillors were given a presentation about the latest scheme.
- A dedicated consultation hotline was established;
- A meeting with representatives of For a Better Bangor (FAAB) was held on 8th July 2019;
- A meeting with representatives of the Inclusive Mobility and Transport Advisory Committee (IMTAC) was held on 11th September 2019; and
- A meeting with Ards and North Down Borough Council Disability Forum was held on 7th November 2019.

8.5 The PACC Report submitted includes copies of advertisements of the two public events held and details of materials made available. It also sets out the discussions which took place with the local community, groups and elected representatives. The feedback received during the consultation process provided the project team with an opportunity to provide clarification on issues prior to the submission of the planning application and where possible to introduce amendments to the proposals. The main comments received during the consultation process included the following:

- General support for the development coming forward and for the project vision;
- Attractive public spaces and emphasis on connections welcomed;
- A desire that the destination building should have a view of the seafront;
- The need for accessibility to be a key consideration, particularly with the steps down to Queen's Parade;
- Attractions for rainy days need to be incorporated;
- The long-term approach for parking for the development and the town in general and how demand would be dealt with;
- Much greater parking provision required;
- Accessibility for all should be a key consideration;
- The design proposals need to be further developed and should better reflect Bangor's built heritage; and
- Some of the older Victorian and Edwardian buildings on the site should be retained.

8.6 Feedback was gathered across a spectrum of ages with the most representations coming from those aged 51-60 (28%). The feedback received from 197 feedback forms is summarised as follows:

- 88% of respondents either agreed or strongly agreed that they supported the vision for the mixed-use regeneration proposal
- 83% of the respondents either agreed or strongly agreed that they supported the vision for the new public realm at Marine Gardens
- Public open space and community and cultural uses were considered to be the most important uses at the site

- 81% of respondents either agreed or strongly agreed that they supported the demolition and replacement of the vacant and derelict buildings on the site.
- 86% of respondents either agreed or strongly agreed that they supported the creation of new streets and laneways and public spaces to integrate the development into the town centre
- 74% of respondents either agreed or strongly agreed that they supported the traffic calming measures proposed for Queen's Parade
- 89% of respondents either agreed or strongly agreed that they supported the proposed investment into the town.

8.7 Following the June public event and in response to the feedback received, the design of the scheme was further developed given the support for the wider vision for the project. While the development team acknowledged that the loss of the existing parking provision was a sensitive issue, when considered in the context of the wider support for the scheme, including the delivery of the Marine Gardens open space, the plans to remove the free car park were retained. It is also argued by the applicant that surveys carried out for the application have indicated that there is capacity in the surrounding area to accommodate the loss of these parking spaces. With regard to the concerns raised in relation to the demolition of existing buildings, the plans continue to propose the same extent of demolition to support the long-term regeneration of the site.

EIA Scoping

8.8 A determination was carried out upon receipt of the application under Regulation 12(1) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 as to whether the proposal would be EIA development. Following consultation with statutory bodies, based on information provided by the applicant and taking into account the extant planning permission for similar development on the site, the Planning Department determined on 9th April 2020 that the proposal was not considered to be EIA development and as such did not need to be accompanied by an Environmental Statement. The application has however been accompanied by a full suite of reports and surveys to ensure the potential impact of the proposed development on its surrounding environment can be assessed in detail. The documents submitted in support of the application include the following:

- Transport Assessment
- Service Management Plan
- Demolition Report
- Japanese Knotweed Report
- CGI Photomontages
- Archaeological and Cultural Heritage Assessment
- Ecological Impact Assessment
- Outline Construction Environmental Management Plan
- Noise Impact Assessment
- Contaminated Land Assessment

- Bat Survey
- Drainage Assessment
- Flood Risk Assessment
- Aire Quality Impact Assessment
- Travel Plan

Design and Access Statement (DAS)

- 8.9 As the proposal involves major development, a DAS has been submitted in accordance with the legislative requirements of the Act and The Planning (General Development Procedure) Order (Northern Ireland) 2015. Addendums to the DAS were also submitted on 10th February 2020 and 29th July 2020.
- 8.10 The submitted statement provides an analysis of the existing site conditions and surrounding context identifying the constraints and opportunities that have informed the development of the proposals. The statement outlines the design principles and concepts that have been applied to the development, incorporating the feedback obtained from the consultation events and provides an overview of the phased approach to delivering the development. The main findings of the DAS are summarised as follows:

Appraisal of Site and Context

- 8.11 The DAS highlights Bangor's history of being a popular Victorian holiday resort which declined as a tourist resort from the 1960's onwards with the growing popularity of inexpensive foreign holidays. The site is strategically located at the meeting point of different uses within the town centre, with the open space and recreation areas along the coast, residential areas to the west, retail to the south and east and the predominant evening economy uses to the north and east. The site is centrally located in the bay and forms an important part of Bangor's urban waterfront.
- 8.12 The majority of the site to the south of Queen's Parade has been lying vacant for a significant period of time, creating a large gap in the frontage. There are various uses on the site including retail, housing, car parking and Project 24. There is a significant difference in levels across the site with an overall drop of approximately 9m from the highest point on King Street down to Queen's Parade.
- 8.13 The following constraints and opportunities apply to the site:
- Topography of the site and the significant difference in levels between King Street and Queen's Parade
 - Quality of existing buildings constrains potential access and parking requirements
 - Existing retail uses
 - Existing servicing arrangements constrain potential along King Street however there is an opportunity to consolidate and improve the existing arrangements

- Car parking at Marine Gardens is a visual and physical constraint. Removal would provide an opportunity to reconnect the town with the sea

Design Principles and Concepts

8.14 The following key design principles are set out within the DAS:

- The relationship of the site within and to the character of the wider Bangor Bay is key
- The creation of a wide range and mix of uses
- Creating positive frontages to existing and proposed streets and spaces
- Reconnecting the site to the town centre and its waterfront setting
- The creation of innovative and inclusive public open spaces
- Provision of a sufficient level of parking and support the use of sustainable modes of travel
- The creation of new streets and lanes to integrate the development into the existing fabric of the town centre
- All new buildings are designed to reflect existing character by respecting heights, rhythm and corner elements whilst creating contemporary buildings of their time
- The bay proportions of the existing Victorian buildings are key to the overall façade design and the proposals for the Queen’s Parade apartments draw heavily on this design analysis
- The proposed buildings are designed to be flexible to enable accommodation to be adapted for different uses in the future

Access and Parking

8.15 Both the Bangor train and bus stations are within a five-minute walk from the site. The DAS states that there are also approximately 1,300 car parking spaces within a ten-minute walk from the site. A direct consequence of the development will be the loss of the King Street and Marine Gardens car parks (collectively 240 spaces); however, it is asserted that there is sufficient capacity within existing car parks to accommodate the loss of these two car parks. The car parking strategy for the development proposes to combine sustainable transport measures with the provision of on-site parking via an under-croft car park and surface-level parking. Traffic calming measures will be implemented on Queen’s Parade and, through the use of a raised table, pedestrian movements will be prioritised. Level access will be provided from King Street and Main Street into the heart of the development. For users requiring assistance in accessing Market Square from Queen’s Parade, a lift is to be provided beside the steps within close proximity to disabled parking bays and parent and child parking.

Sustainability

8.16 The DAS demonstrates how the proposed development addresses the sustainability objectives within the SPPS and will provide local social and economic benefits while protecting the natural environment as follows:

- The development provides an opportunity to bring betterment to the NI Water network through the separation of the surface water runoff from the combined sewer network, helping to mitigate against the risk of surface water flooding. In addition, the introduction of new green spaces will increase the amount of permeable surfaces, further reducing flood risk and providing an opportunity for the introduction of SuDs within the development.
- The proposal fully embraces the use of sustainable transport measures through the use of public transport and incentivising its use through Travel Cards and the provision of cycle parking.
- The development delivers on the core SPPS objectives focusing on making more effective use of car parks to reduce the reliance on the private car which in turn reduces congestion and improves air quality.

Phasing of Development

8.17 It is expected to take four years to complete the development, with phasing proposed as follows:

- Phase 1 - Delivery of first part of Marine Gardens, demolition of 34 & 36 Main Street, minor alterations to TK Maxx and Café Nero
- Phase 2 – Delivery of remaining public realm at Marine Gardens and commencement of development on under-croft car park and residential blocks 1 and 2 with all remaining buildings demolished with exception of King Street
- Phase 3 – Commencement of work on hotel, kids' zone, offices, Market Square and associated steps and completion of works to Trinity Square, minor alterations to Halifax, installation of raised table
- Phase 4 – Demolition of King Street terrace and completion of 24 new residential units and cinema building and completion of all hard-landscaped surfaces

9 Development Plan Consideration

The Development Plan

9.1 Section 6(4) of the Planning Act (Northern Ireland) 2011 (“the Act”) states that where regard is to be had to the Development Plan, the determination **must** be made in accordance with the Plan unless material considerations indicate otherwise.

- 9.2 Section 45 (1) of the Planning Act requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.
- 9.3 McCloskey J helpfully clarified the requirements of Section 6(4) of the Act when determining a planning application in Sands v Newry and Mourne District Council [2018] NIQB 80 where he held:
- “Section 6(4) of the 2011 Act does not impose the relatively gentle duty of merely having regard to the LDP. On the contrary, it obliges the deciding authority....to determine planning applications in accordance with the LDP unless it considers that material considerations indicate otherwise. In this way LDPs are given primacy and....attract a statutory presumption in their favour”.*
- 9.4 The purported adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) was quashed by the Court of Appeal on 18th May 2017. Consequently, the North Down and Ards Area Plan 1984-1995 (NDAAP) is the statutory development plan for the area, alongside the Bangor Town Centre Plan.
- 9.5 The draft BMAP is a material consideration. Further, it is the position of Planning Department that, pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission’s reports into the draft BMAP public inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission’s recommendations.
- 9.6 The Chief Planner in his fourth Update to Councils dated 29 November 2019 confirmed that the draft Belfast Metropolitan Area Plan remains as an emerging plan and, as such, the draft plan, along with representations received to the draft plan and PAC inquiry reports, remains as a material consideration to be weighed by the decision-maker.

Regional Development Strategy (RDS)

- 9.7 In terms of the regional policy context, draft BMAP highlights a number of Strategic Planning Guidelines relevant to North Down and specifically Bangor. These include developing the town of Bangor and strengthening the multi-functional role of the town centre by:
- Consolidating the role of Bangor as an attractive residential location and important retail centre and improve rail and road links to Belfast, boosting its role as a commercial centre within the Belfast Metropolitan Area (BMA)
 - Recognising Bangor’s status as an important commuter settlement while accepting the need to widen the economic base as a means of reducing its role as a dormitory town
 - Enhancing the leisure potential of Bangor as an important maritime resort on Belfast Lough, focusing on the marina, revitalised seafront and town centre shopping area.

- 9.8 Draft BMAP also identifies that two of the key components of the transport strategy for Bangor as identified in the Belfast Metropolitan Transport Plan (BMTP) are to introduce measures which will reduce car usage and encourage the use of other modes of transport and to introduce measures which will enhance the urban environment in Bangor Town Centre.
- 9.9 All of these guidelines are relevant to the redevelopment proposal. The scheme will encourage the use of alternative modes of transport rather than relying on use of the private car through the provision of Travel Cards for occupants of the residential units and for office workers. The regeneration scheme will also very much help to strengthen the multi-functional role of the town centre as a result of the wide variety of uses proposed, ranging from offices to residential to leisure, tourism and retail.

North Down and Ards Area Plan (NDAAP) 1984 – 1995

- 9.10 While the NDAAP has passed its end date, NDAAP remains the statutory local development plan and is material to the consideration of this proposal, especially in respect of Section 6(4) of the Act referring to the plan-led system.
- 9.11 The site lies within the development limit of Bangor as defined in NDAAP. Paragraph 9.5 of the Plan states that commercial activity will be expected to be concentrated within the town centre boundary to ensure a compact town centre. Appropriate town centre uses are listed as retail, retail services and offices. A principal objective of the Plan is the consolidation of the main shopping area to achieve compactness, continuity, convenience and efficiency of shopping. A shopping core for Bangor is defined within which non-retail uses at ground floor are to be controlled. Paragraph 17.42 of the Plan identifies Main Street as the principal shopping street while the focus for recreational and tourist activity is identified as being along the seafront. The proposed scheme would comply with these main objectives of the plan. While some existing retail uses will be lost on Main Street to accommodate the new offices and pedestrian link into the site (Trinity Way) the loss is not considered to be significant in the context of Main Street as a whole and would not in itself be at odds with the aim of retaining Main Street as the principal shopping street. There are numerous vacant retail units along both sides of Main Street providing ample opportunities for new retail businesses to establish. It is anticipated that the regeneration scheme proposed will act as a catalyst to encourage more retail uses back into Main Street in the future. The proposed public realm scheme at Marine gardens and its ancillary facilities along with the proposed food and beverage units throughout the scheme and the hotel, will also cumulatively create a new draw for tourist and recreational activity at the seafront.
- 9.12 Paragraph 17.41 of the Plan also identifies Bangor Marina as a magnet for tourists. Paragraph 17.43 states that other acceptable town centre activities include service, civic and cultural uses, and entertainment facilities, all of which make an important contribution to the vitality of the town. The Plan goes on to state that the development of further entertainment and tourist facilities along the seafront is expected and that the environment in this location should be

upgraded. According to the Bangor town centre map within the Plan, the site is located within the areas zoned for town centre uses and within the shopping core, while Queen's Parade itself is identified for tourism and entertainment. The proposed development scheme with its variety of mixed uses to serve both the retail and tourist/leisure elements within the town centre will be wholly in accordance with these main aims and objectives of the Plan for Bangor town centre.

- 9.13 With regard to parking, paragraph 11.7 of the Plan states that developers will be required to provide car parking in line with car parking standards. While the parking provision for the development does not strictly adhere to the relevant parking standards, justification for reduced provision has been submitted by the agent and is considered in detail below under PPS 3: Access, Movement and Parking.
- 9.14 Specifically in relation to the urban environment, the Plan states that the nature of future growth should ensure that existing assets are preserved and should contribute to the improvement of the quality of the urban environment. New development should be carefully designed to respect the scale and character of existing buildings using sympathetic materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of the town. The impact of the development on the character and appearance of the existing townscape will be considered in detail below under the Draft BMAP policies and the Addendum to PPS6: Areas of Townscape Character.

Bangor Town Centre Plan (BTCP)

- 9.15 The Bangor Town Centre Plan was adopted in 1995 and, whilst like the NDAAP it is past its end date, it remains a material consideration in determining planning applications until such time as BMAP is formally adopted or the Council has adopted its own Local Development Plan.

9.16 The Seafront

The Plan advises that in places, the physical appearance of the seafront is unattractive and uninviting. Demolition has created an unsightly gap in the Queen's Parade frontage where many properties suffer from lack of maintenance or are disused. Despite environmental improvements carried out along the seafront over the years, there remains an inherent conflict between traffic and pedestrians. Linkages between the seafront and the main shopping streets could be strengthened and improved. The proposed development seeks to improve linkages through the provision of pedestrian routes from Main street and King Street through the site onto Queen's Parade. Pedestrians will also be given priority for crossing Queen's Parade through the provision of a raised table. The policies of the Plan that are relevant to the proposed development are as follows:

9.17 Policy SEA1 – To support the provision of appropriate tourist and recreational facilities at appropriate locations on the seafront

It is clear from this proposal that the redevelopment of the Marine Gardens car park, to incorporate significant environmental improvements and public realm, will appropriately address this policy within the Town Centre Plan. Attractions will include a central water feature, event spaces, play area, vending kiosks and future pavilions for retail/food and beverage, a Kids' Zone, hotel and proposed cinema building. The seafront location and proximity to other inter-related activities along the Bangor Waterfront, such as Pickie and Ballyholme Yacht Club and beach and as proposed within the Council's bid for Belfast Region City Deal funding for this area, will further provide valuable facilities for both the resident, day visitor and longer-term visitor, resulting in a longer dwell time focussed on this central area of the town.

9.18 Policy SEA2 – To ensure that the open space around Bangor Bay from the North Pier to Pickie is kept free from further development

The Plan states that it is important that visual and physical links between the Seafront and the Town Centre are retained. This application proposes removal of the car parking at Marine Gardens and replacement with a high-quality environmental scheme and public realm which will provide much enhanced visual linkages from the land side to the Marina. It is considered acceptable for the inclusion of small kiosks for food and beverages alongside the proposed pavilions which will be conditioned as single storey in order to reduce their impact in long range views across the bay. These buildings will have an ancillary function to the new public realm area and will not in any way cause an obstruction to the use of the area as open space.

9.19 Policy SEA3 – To support the introduction of environmental enhancement measures on Bangor Seafront

The proposal has been developed in conjunction with the Council in order to provide a high quality environmental improvement scheme in place of the current Marine Gardens car park which currently acts as a barrier between the town centre and the coast and fails to visually enhance the seafront area. A promenade will be created which will incorporate walking and cycling from either side of the town centre, providing linkages with Pickie and Ballyholme. The proposal will provide further linkages from the Main Street through the site, via the introduction of two new streets and the Market Place, relinking the landside with the water. The expansive areas of existing hard surfacing will be removed and replaced predominantly with grassed, landscaped areas as well as quality hard landscaping including natural stone paving around the central water feature. Lighting will also play a key role in enhancing the seafront area with RGB LED lighting proposed to enhance the water feature and trees within the area.

9.20 The Shopping Area

The planning strategy set out in the Plan for the shopping area endeavours to ensure that there is scope for an adequate range of shopping uses providing a lively, interesting and attractive shopping environment within a compact area. The application site is identified in the Plan as a development opportunity. The Plan advises that this can provide additional retail, office and service business

to strengthen Bangor's commercial role and create jobs. The following policy is relevant to the development proposal:

9.21 Policy S3 – Applications for non-retail uses within the shopping core will be assessed in terms of their impact on the vitality and viability of this area of the town centre.

The main shopping core, as relevant to this development proposal, is indicated on the Plan Proposals map as Main Street. With the exception of demolition of a portion of frontage along Main Street in order to create a new access from Main Street through to the site and Queen's Parade and to create new office space, the main shopping core will continue to be respected. Current policy for retailing and town centres is encompassed within the SPPS which states that its aim is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the Regional Development Strategy. The regional strategic objectives for town centres and retailing include securing a town centres first approach for the location of future retailing and other main town centre uses. Such uses include cultural and community facilities, retail, leisure, entertainment and businesses. It is considered that the proposal respects this policy within the Town Centre Plan.

9.22 Accessibility

The Plan references that Marine Gardens and the Flagship Centre have provided Bangor with approximately 1000 additional car parking spaces. However, it is acknowledged that long stay car parking by business operators and workers reduces parking options for shoppers and visitors. The Plan suggests that a parking strategy undertaken by the Department and the Council could produce more efficient and effective usage of public car parks. The Flagship Centre is currently closed with no certainty at the moment of its future use, therefore the car parking associated with it cannot be considered in the assessment of the application. The development itself will also result in the loss of the existing car parking at Marine Gardens and King Street. The impact of the development on parking will be considered in more detail under draft BMAP and PPS3 below.

9.23 The Council is working to develop a Car Parking Strategy for the borough. It is aimed at supporting the prosperity and sustainability of our town and village centres by ensuring car parking provision is accessible, convenient and of a quality standard. It considers how this aspiration can be financed. In line with the Council's commitment to sustainable development, it also considers how the strategy can support modal shift and methods of sustainable transport. To develop its proposals, the Council has engaged extensively with key statutory partners including the Department for Infrastructure and with the Chambers of Trade in each of the borough's five main towns. This draft Strategy is currently out for consultation, seeking feedback from the wider public, local stakeholders and businesses that may be impacted by the proposed changes. The Strategy has been developed cognisant of how the current practices of long-term parking within the town centre have had the impact of affecting availability for

shoppers and visitors to the town. The following plan policies are relevant to the development proposal.

9.24 Policy AC3 – To ensure that the supply of car parking provision in the Town Centre is adequate to meet future demand

The policy advises that provision of adequate car parking in convenient locations is essential to the continued prosperity of the business and commercial life of the town centre. It states that major growth in parking supply in the town centre is only likely to result from multi storey development. The provision of parking will be an important factor in considering development proposals, especially those for major development sites at the Vennel and Upper Main Street. The Plan highlights that provision of parking will be a particularly important factor for the application site (referred to as the Vennel). Parking provision for the development is considered below under the relevant Draft BMAP and PPS3 policies.

9.25 Policy AC4 – The provision of rear servicing will be required where practicable when proposals for commercial development are being considered

The existing commercial premises on Main Street are currently serviced via the Vennel which is the right of way running from King Street along the rear of the Main Street properties. A new through route from King Street to Main Street is proposed and will operate as the main servicing area for both the properties on Main Street and the new central areas of the development. On Queen's Parade, a number of existing on street parking spaces will be removed and replaced with two loading/unloading bays. These will service the hotel, residential and retail units that front onto Queen's Parade. While this servicing arrangement is not to the rear of the properties, due to the topography of the site and the overall design of the scheme incorporating public squares and residential development, it is not considered to be practical to locate servicing to the rear in this instance.

9.26 Policy AC6 – The needs of people with disabilities will continue to be taken into account in the layout of car parks and footpaths and in considering proposals for development of public and commercial buildings

I consider that the current proposal takes account of the above policies which are encompassed in regional prevailing policy. Level access is proposed throughout the site and lifts are proposed in all buildings. The steps from Market Square down to Queen's Parade have also incorporated a shallow gradient ramp system and a lift has also been provided adjacent to the steps.

9.27 Townscape and Environment

The Victorian/Edwardian period provided Bangor with a legacy of fine townscape which contributes greatly to the character and setting of the town centre. The town centre also contains a number of listed buildings which make an important contribution to its character and appearance. The following policies are relevant to the application.

9.28 **Policy TE1 – To enhance the environment of the town centre by means of landscaping schemes and environmental improvements.**

I consider that the current proposal complies as it encompasses significant investment into the provision of a high-quality public realm, connecting in with the public realm improvements undertaken by the Council since 2015. The replacement of the existing Marine Gardens car park with high quality open space will greatly enhance the environmental quality of this part of the town centre. The final details of the landscaping will be conditioned to be submitted and agreed prior to commencement of development. Significant areas of open space are proposed which include large seafront lawns with associated lighting and seating. The promenade will be retained and improved and enhanced through the provision of all-weather shelters and small kiosks alongside it.

9.29 **Policy TE2 – To ensure that proposals for new development respect the scale and character of existing development within the town centre.**

The Planning Department and architects undertook significant liaison to ensure that the design of each component of the built development took cognisance of its setting and adopted appropriate design cues accordingly. Consequently, a number of design changes were undertaken within the current application to address such matters. The impact of the final amended proposals on the scale and character of existing development is considered in detail below against the relevant policies contained within Draft BMAP, the SPPS, PPS6, PPS6 Addendum and PPS7.

9.30 **Housing**

There is a demand for housing accommodation within the town centre from single persons and small households, from the elderly and from those without cars who wish to avail of town centre facilities. This scheme proposes a significant number of dwelling units within the town centre, which will appeal to a range of occupants, from young professionals, small households and the elderly. The attractiveness of the scheme, its proximity to not just bus and rail services, but proximity to retail, cultural, leisure and community facilities means the proposal provides sustainable choices for those who can contribute to a 24/7 town centre, aiding its vibrancy and vitality.

9.31 **Offices**

The planning strategy is to allow for expansion of office floorspace in appropriate circumstances throughout the commercial area whilst ensuring that the vitality and viability of the shopping core and the amenity of existing housing areas are not adversely affected. The following policies are of relevance.

9.32 **Policy OF2 – Proposals for financial or professional services within the shopping core will be assessed on the basis of their likely impact on the vitality and viability of the streets within it. There will be a presumption against business office use at ground floor level in this area.**

Ground floor level offices are proposed on Main Street and along the new street stretching from Main Street into the centre of the Market Place (Trinity Way), however, this is balanced by the creation of a significant number of other units for retailing accordingly. The new street being created falls within the Primary Retail Core in draft BMAP, its purpose being to allow control to be exercised

over development inside that area to ensure continuance of a compact, lively and attractive shopping environment. Bangor has experienced significant decline over the past number of decades, and this is apparent in the level of vacancy through the main shopping streets. It is envisaged that the introduction of offices/space for professional services will enhance the area, providing it is carefully balanced, and can provide for an attractive frontage where carefully designed. The loss of the existing retail uses on Main Street as a result of the proposed offices and the impact of this on the shopping core will be assessed in detail below under the provisions of the SPPS and the retail policies set out in the Draft Belfast Metropolitan Area Plan.

Draft Belfast Metropolitan Area Plan (BMAP)

9.33 The site is located within the town centre of Bangor as identified in the draft BMAP. There are several other designations and policies in the draft plan which are also applicable to the site as follows:

- Existing open space at Wilson's Point Local Landscape Policy Area (BR31)
- Bangor Urban Waterfront (BR32)
- Bangor Town Centre Primary Retail Core (BR40)
- Bangor Town Centre Primary Retail Frontage (BR41)
- Development Opportunity Site (BR44)
- Bangor Central Area of Townscape Character (ATC) (BR49)
- Bangor Town Centre Urban Design Criteria (BR48)
- Policy TRAN 4 Areas of Parking Restraint (BR47)
- Policy TRAN 5 Publicly owned off street surface car parks within city and town centres

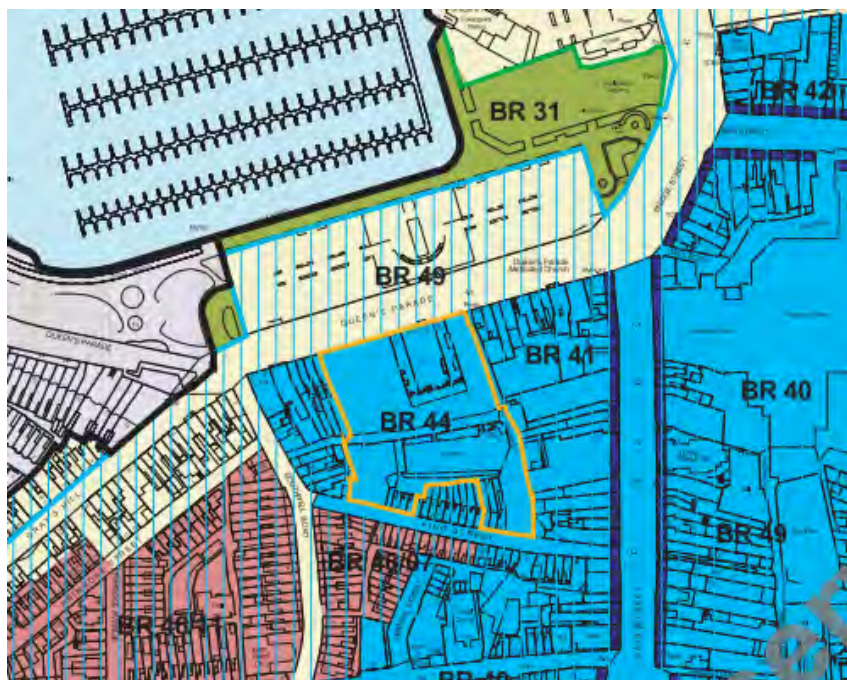


Figure 12 - Bangor Town Centre (Draft BMAP Map 31)

- 9.34 **Designation BR31 Wilson’s Point Local Landscape Policy Area (LLPA)**
The following features are listed as contributing to the environmental quality, integrity or character of the area:
- Archaeological sites and monuments and their surroundings including Bangor Abbey
 - Listed buildings and their surroundings including McKee Clock,
 - Area of local amenity importance with nature conservation interest – North Down Coastal Path, Bangor Promenade and Pickie Fun Park.
- 9.35 Policy ENV3 of Draft BMAP states that in LLPAs, planning permission will not be granted for development that would be likely to have a significant adverse effect on those features, or combination of features that contribute to the environmental quality, integrity or character of the area. Designation BR31 covers an extensive area along Bangor’s urban coastline stretching from Smelt Mill Bay right round to the McKee Clock (see Figure 13 below).
- 9.36 No objections were received in respect of the LLPA designation (BR31); therefore, it is likely that the designation would be included in any future lawfully adopted BMAP. The development proposal affects only a small area of the overall LLPA which includes the existing area of public open space around the McKee Clock and the promenade adjacent to Bangor Marina. As shown in Figure 15 below, the public realm function of these areas will remain with the development proposing overall environmental and landscaping improvements to the area including upgraded hard surfacing and a tiered landscaped area adjacent to the McKee Clock to enhance its setting. HED has confirmed it is content with the design approach for the area surrounding McKee Clock. The proposals seek to return the McKee clock to being a key standalone focal point with unobstructed views from Main Street, High Street, Quay Street and along the Promenade (see Figure 16 below which shows the historical setting of the clock). The immediate surroundings of the clock will be emphasised by paving materials and patterning to create a setting without any obstructions in a similar character to its original setting. It is therefore considered that the development proposal will not harm any of the listed features of the proposed LLPA.



Figure 13 – Designation BR31 Wilson’s Point LLPA (Draft BMAP Map 3b*)



Figure 14 – Aerial view of section of LLPA within the application site



Figure 15 – Proposed landscaping plan



Figure 16 – McKee Clock Circa 1918 (postcard of Bangor)

9.37 Designation BR32 Bangor Urban Waterfront

This area is focused on Bangor Marina and its surroundings. The Plan identifies the area as offering potential for the development of a vibrant and attractive waterfront in association with tourism and recreation. Policy for the control of development within the area is set out in policy COU5 of the Plan. The policy states that within the designated urban waterfronts, planning permission will only be granted for development proposals that:

- Enhance and regenerate the urban waterfront
- Enhance the environmental quality of the waterfront with the careful siting and design of new development and by the implementation of appropriate and attractive landscaping schemes
- Retain and where possible further develop public access to the coast
- Protect existing coastal open space
- Enhance tourism potential and recreational facilities
- Protect important heritage features

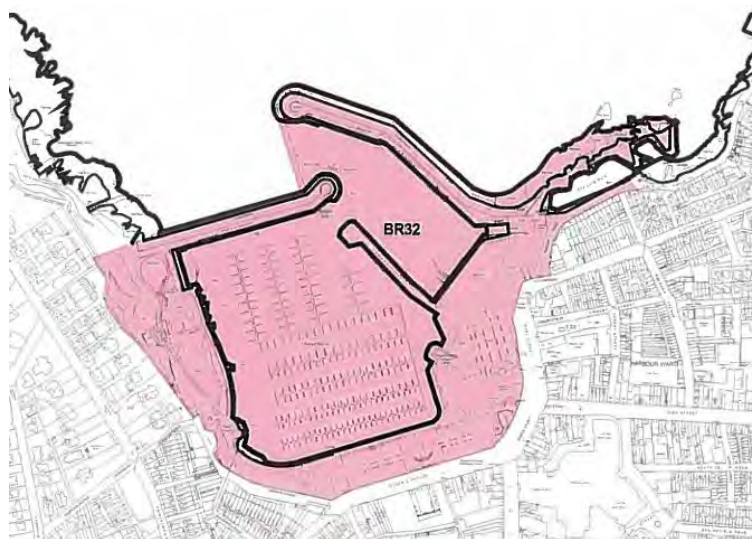


Figure 17 - Bangor Urban Waterfront (Draft BMAP Map 3m)

9.38 No objections were received regarding the draft Urban Waterfront designation (BR32); therefore, it is likely that the designation would be included in any future lawfully adopted BMAP. In addition, no amendments to the policy text of Policy COU5 were recommended by the PAC. The development proposal will fully comply with the policy requirements set out in the Plan for Bangor Urban Waterfront. At the heart of the proposal is the desire to reconnect the town centre with the sea again. This will be achieved through the removal of the existing Marine Gardens car park which currently acts as a physical barrier between Queen's Parade and the Marina.

9.39 The whole urban waterfront will be enhanced by the development proposal through the replacement of the car park with an extensive area of public realm. This will incorporate not only high quality hard and soft landscaping which will enhance the overall appearance of the waterfront but will also

include a new natural play area, a water feature, five small kiosks and two pavilion buildings which will serve retail and food and beverage uses. The introduction of these active uses and attractions within the waterfront area will serve as a further enticement to aid in the regeneration of the waterfront, drawing visitors into the area. It is considered that the proposals strike just the right balance between introducing particular features and attractions within the area and leaving plenty of multi-purpose open space to ensure that the potential use of the area for various events is kept as flexible as possible. The proposals provide an abundance of different types of seating throughout the area as well as a number of canopies to provide shelter along with plenty of cycle parking, all of which will encourage visitors to stop and spend time within the waterfront area. While the areas of planting and soft landscaping have been indicated on the landscaping layout, details in terms of species, size etc. are still to be confirmed so it is proposed that approval of planning permission would be subject to a condition requiring submission of these details for approval prior to the commencement of development in order to ensure a high standard of design and layout.

9.40 Designations BR40 Bangor Primary Retail Core and BR41 Bangor Primary Retail Frontage

Policy for the control of retail development within the Primary Retail Core is contained in Policy R1 of the draft Plan – Retailing in City and Town Centres. The policy states that within designated primary retail cores, planning permission will only be granted for non-retail uses at ground floor where all the following criteria are met:

- it is not located within a designated Primary Retail Frontage;
- there is no significant loss of retail floor space at ground floor level;
- it does not create a cluster of non-retail uses; and
- it would not lead to a pre-dominance of non-retail uses

Policy for the control of retail development within Primary Retail Frontages is contained in Policy R2 of the draft Plan – Primary Retail Frontages. The policy states that planning permission will not be granted for non-retail uses at ground level within the Primary Retail Frontage.

9.41 With regard to draft BMAP, no objections were received in respect of the proposed Town Centre, or the Primary Retail Core or Frontage. Although there is no indication as to when BMAP might be adopted, it seems likely that if and when BMAP is lawfully adopted, a Bangor Town Centre designation, including a Primary Retail Core and Frontage, will be included therefore significant weight should be placed on these designations. However, during the Public Inquiry into Draft BMAP, the Planning Appeals Commission recommended that policies R1 and R2 as outlined above should be replaced with a single policy as follows:

“Planning permission will be granted for retail development in all town and city centres. Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use. The Primary Retail Cores will be the preferred location for new comparison and mixed retail development. Outside

designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the Primary Retail Core.”

The Department accepted this amendment which was included in the unlawfully adopted plan. Therefore, appropriate weight should be attached to this amended policy wording in the consideration of the proposal.

- 9.42 The SPPS also contains a dedicated section on Town Centres and Retailing, which replaced retail policy as was previously contained in Planning Policy Statement 5 – Retailing and Town Centres. The publication of the SPPS represented a major shift in retail policy. At paragraph 6.271 it lists a series of regional strategic objectives for town centres, including to secure a town centres first approach for the location of future retailing and other main town centre uses and to adopt a sequential approach to the identification of retail and main town centre uses in local development plans and when decision taking. The NDAAP and BTCP designated a Shopping Core and Main Shopping Core respectively within the town centre. Whilst those designations do not bear the name Primary Retail Core (PRC) or Primary Retail Frontage (PRF), they serve very much the same function as that of a PRC, which is a more modern term. Thus, a continuity of approach to the envisaged location of retailing for Bangor in those LDPs is evident, one which was carried through into the dBMAP.
- 9.43 Policy R1 above as amended following the Public Inquiry into Draft BMAP, requires that no more than 25% of the frontage of the shopping street(s) to which it relates should be in non-retail use and no more than three adjacent units should be in non-retail use. It can be considered that this particular line of the policy is aimed at existing shopping streets within the PRC as it was likely not anticipated that large scale regeneration proposals such as this would come forward which included creation of new streets/frontages. The existing streets affected by the proposed development include Queen’s Parade, Main Street, King Street and Southwell Road, all of which are within the PRC with Main Street identified as a PRF. Southwell Road and King Street are already predominantly residential in use, therefore it is considered that it would be unreasonable to apply the 25% to these streets. The existing residential use will be retained on these streets. Queen’s Parade itself already significantly exceeds the 25% referred to in the policy as its frontage is largely vacant given the large gap in the frontage and the large number of disused properties. The current application proposes a number of new retail units along Queen’s Parade which will significantly increase the retail offer at this location. Furthermore, as outlined above, the NDAAP identifies the seafront area as the focus for recreational and tourist uses and the BTCP identifies the site as a Development Opportunity Site considered suitable for a mix of uses including not only retail but office and service businesses to strengthen Bangor’s commercial role and create jobs. It is therefore considered that a mix of uses which cater not only for shoppers, but also for tourists, workers and visitors, is most appropriate along Queen’s Parade. The proposed mix of retail, hotel and leisure uses at ground floor on Queen’s Parade is considered to

achieve this, providing a good degree of variety and attraction to this part of the PRC.

- 9.44 On Main Street, the TK Maxx, Café Nero and Reeds Rains buildings are all to be retained. The proposal will however result in the loss of the Oxfam unit, the Hospice Shop and the now vacant B&M building as these units are to be demolished and replaced with offices. In total, this will result in a loss of a ground floor retail footprint of approximately 1133sqm and a ground floor retail frontage of 28m in width. The retail frontage proposed for replacement with offices, represents 48% of the total existing class A1 retail frontage along the stretch of Main Street from King Street to Queen's Parade. 61% of this stretch of frontage is already occupied by non-retail uses as it is dominated by food and beverage or financial and professional uses and there are also two vacant units within the frontage. The existing non-retail use within this section of the Main Street frontage therefore already significantly exceeds the 25% requirement set out in policy. The proposed replacement of the existing retail units with offices will result in a further increase in non-retail use along this stretch of the PRF meaning that approximately 80% of this particular section of the Main Street frontage will be in non-retail use. However, ample opportunities still exist along both sides of Main Street for the introduction of new retail uses into the Primary Retail Frontage, given the number of premises which are currently vacant. It is in this context that I have assessed this stretch of Main Street from the frontage of Queen's Parade to King Street, cognisant of the high vacancy rates and the prohibitive nature of the Plan policy in the current economic climate.
- 9.45 There is a high vacancy rate generally for properties within the town centre as evidenced in Table 18 below which is an extract from the Department for Communities' Town Centre Database. A significant number of retailers have vacated units within Main Street in recent years including Eason's, Clarks, retailers within the Flagship Centre, Dorothy Perkins, HMV and H Samuel. There is simply no longer a high demand for class A1 retail within the town centre and the number of vacant units even within the Primary Retail Frontage continues to grow. The concern is that if the retail policies of Draft BMAP, which restrict the amount of non-retail uses within the PRC and PRF, are applied rigidly then there is the potential that these areas could soon become dominated by vacant frontages. Several examples of vacant units already along Main Street are shown in Figures 19-21 below. The SPPS acknowledges this shift in retailing and the changing function of town centres by recognising that a variety of different main town centre uses are appropriate rather than just class A1 retail.

	17th May 2020 ¹			31st October 2019			30th April 2019		
TOWN CENTRE	No. of Properties	No. of Vacant Properties	% of Vacant Properties	No. of Properties	No. of Vacant Properties	% of Vacant Properties	No. of Properties	No. of Vacant Properties	% of Vacant Properties
BANGOR	697	168	24.1%	700	178	25.4%	700	177	25.3%

Table 18 - Extract from Department for Communities Town Centre Database showing vacancy rates for Bangor town centre



Figure 19 – Vacant Property at the top of Main Street



Figure 20 – Vacant properties adjacent to the application site on Main Street



Figure 21 – Vacant properties opposite the site on Main Street

- 9.46 Rather than including restrictive policies such as those in Draft BMAP which focus on a need to retain class A1 Retail uses as the predominant use in PRCs, the SPPS adopts a wider approach which supports a mix of retail and other main town centre uses. This approach acknowledges the changing role of town centres, many of which simply no longer have a retail led function. The more flexible approach of the SPPS allows for other uses to be introduced such as businesses, offices, community and cultural uses, all of which help to contribute to a vibrant town centre day and night.
- 9.47 Following the Council’s request for the agent to submit supporting information to justify the loss of the existing retail floor space on Main Street, the agent submitted a short statement on 18th December 2020. In the statement it is argued that the PRF designation has its origins in the former Planning Policy Statement 5: Retailing and Town Centres which was withdrawn in 2015 and superseded by the SPPS. The agent highlights that the PRF designation is not referred to in the SPPS and while it is an operational policy within the adopted plan (now quashed), it is suggested that determining weight should not be afforded to it. The agent acknowledges that the proposal does not comply with policy R1 of the Plan; however, considers that the loss of retail floorspace must be balanced against current market conditions and the regeneration aims of the project as a whole.
- 9.48 On balance, I consider that the mix of uses contained within the proposed regeneration scheme are appropriate for the Primary Retail Core and will not

involve a significant departure from any of the main aims and objectives set out in the draft Plan for Bangor town centre as a whole. While some existing retail units will be lost to offices on Main Street, new retailing proposed on Queen's Parade within the PRC will help to compensate for this loss. Above all, it is considered that the mixed-use development will act as a catalyst for further regeneration within the town centre. It will attract a wide variety of visitors into the PRC including tourists, residents and employees which in turn is likely to increase the demand for retail and other services within the immediate area. The Living Places guidance document lists vibrancy and diversity as one of the 10 key qualities of urban design. It advocates that great urban centres buzz with activity. They are formed by a concentration of different uses, services and facilities, thereby attracting different people over a sustained period of time. Busy places are safe, engaging and even exciting. They sustain footfall with dependent businesses and create opportunities for cultural events and activities, both planned and impromptu. Taking account of this guidance it is considered that a development dominated by retail, on this important site within the town centre, is not the appropriate solution, rather, the proposed mixed-use development has the greatest potential to achieve the desired vibrancy and diversity that Bangor town centre needs.

9.49 Designation BR44 Development Opportunity Site (DOS) at Lands between Queen's Parade and King Street

The key site requirements of the designation are as follows:

- Uses other than retailing shall not be accepted at ground floor level.
- Access shall be from King Street. Detailed consultation with Roads Service DRD shall be required to identify any necessary improvements to the road network/public transport/transportation measures in the area to facilitate development of the site. A Transport Assessment (TA) may be required to identify such improvements.

9.50 At paragraph 2.6.3 of its report on the Strategic Plan Framework, the PAC stated that draft BMAP Policy SETT 5 regarding Development Opportunity Sites merely indicated that development in DOSs shall be in accordance with specified Key Site Requirements (KSRs) which was self-evident. As most did not specify preferred land uses, the KSRs merely repeated regional policy or policy contained elsewhere in the draft plan. The PAC therefore saw no purpose in their designation and recommended a need for a more focussed and pro-active approach by the Department if DOSs were to deliver the regeneration benefits set out in the amplification to Policy SETT 5 – i.e. to promote the vitality and viability of the urban area. The Department in its adoption statement accepted that criticism and considered that it was appropriate, given the time that had elapsed since publication of the draft Plan to exclude the DOSs from the Plan with the exception of five larger strategic sites within Belfast City Centre. It was considered that the Department for Social Development (DSD, now Department for Communities) was better placed to pursue city and town centre regeneration objectives through its city and town centre Masterplans. As such it is considered that the DOS designation would not be included in any forthcoming lawfully adopted Plan.

9.51 While the draft designation stipulates that uses other than retail at ground floor will not be accepted, it is considered that this is overly restrictive for a site of this size with a proposal seeking to bring forward a vibrant mixed use development. The extant North Down and Ards Area Plan identifies the seafront and Queen's Parade as the focus for recreational and tourist uses rather than just retail and states that other acceptable town centre activities should include service, civic and cultural uses and entertainment facilities, all of which make an important contribution to the vitality of the town. The current proposal includes no class A1 retail use within the boundary of the identified Development Opportunity Site (DOS); however some ground floor retail is proposed at the western end of Queen's Parade just beyond the DOS and food and beverage, leisure, office and hotel uses are all proposed at ground floor elsewhere within the site, the idea being that this mix of uses will provide a vibrant day and night time economy. The mixed-use approach is also consistent with the SPPS which defines acceptable main town centre uses as including; cultural and community facilities, retail, leisure, entertainment and businesses. The previous planning approval for the site is also a material consideration as the principle of some non-retail uses at ground floor level was considered to be acceptable. Therefore, on balance, the proposed mix of uses at ground floor level rather than exclusively retail is considered to be much more appropriate for this site. Access is proposed off Southwell Road in addition to King Street which was considered to be acceptable in the previous planning permission.

9.52 **Proposal BR47 Bangor Town Centre Area of Parking Restraint**

The draft Plan states that car parking standards within this area will be assessed in accordance with policy TRAN4. This applies a standard of 1.5 spaces per dwelling and for non-residential parking 1 space per 50sqm for non-operational and 1 space per 930sqm for operational spaces for Bangor. However, during the Public Inquiry into Draft BMAP, the PAC considered an objection to the parking standard of 1.5 spaces per residential unit for Lisburn City Centre, Bangor town centre and Carrickfergus town centre. The Commission concluded that the same residential standard of 1 space per unit (as proposed for Belfast in the Draft Plan) should be applied throughout all Areas of Parking Restraint. Therefore, in the consideration of this application, material weight will be afforded to the findings of the PAC following the Public Inquiry which the Department accepted at the time. The required level of parking for the site will be considered against the standards set out in policy TRAN1 of the unlawfully adopted BMAP. The overall parking provision for the development and its impact on existing parking is assessed in detail below under PPS3: Access, Movement and Parking.

9.53 **Policy BR48 Bangor Town Centre - Urban Design Criteria**

The following criteria shall be applied to Bangor Town Centre:

- Development shall respect the established building line
- Building heights shall generally be 3 storeys on principal streets (Main Street, Queen's Quay Street, Bridge Street and Lower High Street between Bridge Street and Albert Street/Bingham Street) to reinforce scale and character, and between 2 and 3 storeys elsewhere. Taller buildings of up to 5 storeys will only be acceptable where it is demonstrated that they act as landmark buildings to aid legibility.

- Development along Queen's Parade shall be consistent with the height of existing buildings
- The external façade of development sites shall reflect the fine pattern and traditional character of the town centre.

9.54 Policy UE1 of Draft BMAP requires that within designated city and town centres, planning permission will only be given to development proposals which comply with the urban design criteria in the District Proposals. Following the Public Inquiry into Draft BMAP, the PAC recommended that the wording of Policy UE1 should be amended to require that development proposals should be in '*general accordance*' with the urban design criteria rather than being in compliance with the criteria. This recommendation was accepted by the Department at the time through its adoption statement. It is therefore likely that in the event of any future lawful adoption of BMAP, that the amended wording incorporating '*in general accordance with*' would be included and ergo should be afforded appropriate weight in the assessment of the development proposals.

9.55 The PAC recommended that the wording of Policy UE1 should be amended as some of the requirements within the design criteria contained a degree of precision that may not be appropriate in all cases and would allow no flexibility on the basis of the original wording of the policy which required proposals to '*comply with*' urban design criteria. The PAC considered that it was difficult to envisage how minor variations to the design criteria would damage the character of an area.

9.56 In respect of the four urban design criteria outlined above for Bangor Town Centre, I consider that the proposal would be in general accordance with these for the following reasons:

- The development will respect the established building lines. The original building line along Queen's Parade will be maintained by the proposed development and the building line along Main Street will also be replicated by the new development. On King Street, the new duplex apartment buildings will be set slightly further back to enable the provision of wider footpath however, will still be in keeping with existing building lines on the street. The proposed building line along Southwell Road will be comparable to that of the existing dwellings to be demolished at the corner of Southwell Road/King Street, sitting approximately 4m back from the footpath. While the proposed building at the corner of Southwell Road/Queen's Parade will sit slightly further back from the road than the existing building, the difference of approximately 1-2m is not considered to be significant, particularly when there is already a varied building line along this section of Southwell Road.
- Building heights on Main Street will be maintained at a maximum height of three storeys with the exception of the new office block which will be four storeys. However, the fourth floor will be set back a minimum of 11m from the established building line and it is considered that this substantial set back will mitigate against any potentially dominant or detrimental visual impact that an additional floor might have on the appearance of the streetscape. The

new terrace of duplex apartments on King Street will be two and a half storey in height which will comply with the policy requirement of two to three storeys. The proposed apartments on Southwell Road will be four storey in height. Similar to the proposed office building on Main Street, while the policy requirement is for between two to three storeys, the upper fourth floor is set back 1.5m from the main building line to help reduce its visual impact. It is also noted that the principle of four storey buildings along Southwell Road was considered to be acceptable under the previous application for the site.

- The proposed building heights along Queen’s Parade will be between four and five storeys. This will be slightly higher than the buildings approved under the previous application which were between three and four storeys. The majority of the existing buildings along Queen’s Parade are three storey, however the application proposes to demolish a number of these to make way for new development, leaving only some of the existing buildings at the eastern end of Queen’s Parade. The development therefore proposes an entirely new frontage to the majority of Queen’s Parade which provides an opportunity for the introduction of slightly taller buildings and a fresh design approach. The above criteria specifies that development on Queen’s Parade should be consistent with the height of existing buildings. The scheme has been designed so that the building immediately adjacent to the remaining buildings on Queen’s Parade will step up gradually in height to ensure there is an appropriate transition between the existing and proposed buildings.



Figure 22 – Proposed Queen’s Parade Elevation showing transition between existing and proposed buildings

The proposals initially submitted with the application included an additional storey on the proposed block at the western side of ‘The Market Place’. This height was considered to be unacceptable and overly dominant within the existing townscape setting and following discussions with the applicant and agent, was removed from the scheme. It is considered that the four to five storey height of the proposed buildings on Queen’s Parade will not cause any unacceptable harm to the character or appearance of the town centre. Queen’s Parade is one of the key frontages of the town centre due to its orientation facing the coast and its high level of visibility from many viewpoints within the town centre and around the bay. Being located at such a key position within the town centre, it is considered that taller, landmark buildings are appropriate. In

terms of urban design, it is a well-established principle that it is desirable to frame large open spaces with buildings of appropriate height and scale to help enclose the space and to provide an appropriate sense of scale relative to the size of the space. In this instance, it is considered that the four to five storey height of the buildings will sit comfortably within the new context of the proposed expansive public realm area. The building heights will also complement and create a sense of balance with the existing traditional five storey buildings on Quay Street across the bay (see Figure 23 below). The top floors of the proposed buildings on Queen's Parade have also been designed so that they are set back from the main building line, thereby reducing the impact of the height from the street.



**Figure 23 – Existing five storey buildings on Quay Street
(former Royal Hotel and the Marine Court Hotel)**

- The final urban design criterion under Designation BR48 requires that the external façade of development sites shall reflect the fine pattern and traditional character of the town centre. As part of the design process, the developer's design team carried out an analysis of existing built form within the area and the findings of this are summarised in the submitted Design and Access statement. To inform the design of the proposed residential block fronting Queen's Parade, the existing buildings on the site and the existing residential terraces further along Queen's Parade were examined in terms of their façade elements, bay proportions and solid to void ratios. The analysis identified that the bay proportions on the existing buildings are the key element in the overall façade design and the design of the proposed buildings have drawn heavily on this.



Figure 24 – Existing residential terraces on Queen’s Parade



Figure 25 – Extract from submitted photomontages showing proposed residential block fronting Queen’s Parade

Figure 25 above shows how the proposed development creates a modern interpretation of the more traditional buildings, drawing upon the bay features and vertical emphasis prevalent in the existing buildings. A pitched roof in a darker colour has also been incorporated in the front façade to reflect the existing buildings.



Figure 26 – Extract from submitted photomontages showing proposed hotel fronting Queen’s Parade

The proposed hotel is a large contemporary building and while it does not obviously attempt to reflect the fine pattern and traditional character of the town centre, it is nevertheless considered that its design, scale and palette of materials will sit comfortably within its context and will still complement the more traditional buildings. The elevational treatment has been kept light with simple glazing divided by fine reconstituted stone cladding. The upper floor of the building will also be set back and finished in a darker coloured material which will help to break up the overall massing of the building.

9.57 Designation BR49 Bangor Central Area of Townscape Character

The draft plan identifies an extensive list of key features found within the proposed ATC. Those key features most relevant to the development site include the following:

- Late Victorian properties on Main Street together with a number of listed Georgian, Victorian and Inter War buildings
- Views over the Bay from High Street and Main Street.
- The Methodist church and a number of original three storey Victorian terraces on Queen’s Parade

The Draft Plan also requires that proposals will be assessed against key design criteria 4a and 5b contained in Policy UE3 of the Plan:

4(a) ‘new or replacement buildings shall replicate existing forms, layout, materials and detailing of the buildings in the area’

5(b) ‘new works shall not disrupt the existing silhouette of a roof’

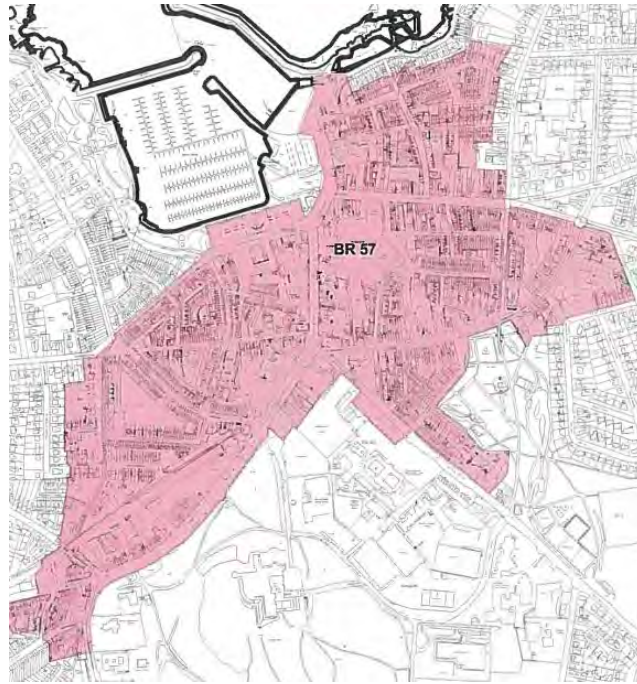


Figure 27 - Bangor Central ATC (MAP 3h)

- 9.58 The Planning Appeals Commission considered a general objection to all proposed ATC designations within the then North Down district in its report on the BMAP public inquiry. The Commission recommended no change to the plan. It is therefore likely, if, and when BMAP is lawfully adopted, a Bangor Central ATC designation will be included. The proposed ATC designation is therefore a material consideration. The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. The Commission recommended that Policy UE3 be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would therefore be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Bangor Central ATC will be repeated.
- 9.59 As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, regardless of the lack of a policy context, the impact of the development on the overall appearance of the proposed ATC remains a material consideration and can still be objectively assessed. The detailed assessment of the potential impact of the development on the proposed Bangor Central ATC is set out below under Policy ATC2 of PPS6: Addendum Areas of Townscape Character.
- 9.60 **Policy TRAN5 Publicly Owned Off-Street Surface Car Parks within City and Town Centres**
Draft BMAP requires that proposals to develop publicly owned off-street car parks will only be permitted if the existing spaces are provided for elsewhere, either on site or in the locality. The PAC endorsed this policy which was included in the unlawfully adopted BMAP as Policy TRAN2.

9.61 An integral part of the development will result in the redevelopment of the Marine Gardens car park as a public realm area. The area of the King Street car park will form part of the new Market Square and cinema building. The surveys and analysis undertaken by Atkins on behalf of the developer, demonstrate that the parking demand associated with these two car parks can be accommodated within the existing public car parks within the vicinity of the development site. Even during the busiest times with Marine Gardens and King Street parking demand included, there is sufficient capacity within the town centre car parks to absorb the Marine Gardens and King Street parking. The impact of the development on existing parking will be considered in further detail under PPS3 below.

10. Consideration of Proposal against Planning Policy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

10.0 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.

10.1 Paragraph 1.12 of the SPPS outlines that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The core planning principles of the SPPS are set out as follows:

- Improving health and well being
- Creating and enhancing shared space
- Supporting sustainable economic growth
- Supporting good design and positive place making
- Preserving and improving the built and natural environment.

10.2 The proposed mixed-use development will comply with all the above core planning principles. The scheme will incorporate extensive areas of public open space with varied functionality. Smaller, more intimate squares and courtyards are proposed within the southern portion of the site while a large public realm area of open space accessible to all, will be provided at Marine Gardens. The mixed-use nature of the development along with the generous provision of shared spaces, meets the aims and objectives of the SPPS core principles. It will contribute to the creation of an environment that is accessible to all, will enhance opportunities for shared communities, will provide a high standard of connectivity and promote shared use of public realm.

- 10.3 The SPPS requires planning authorities to adopt a positive approach to appropriate economic development proposals advising that large scale investment proposals with job creation potential should be given particular priority. The proposals for Queen's Parade would fall within this category of large scale investment proposals, with the potential for the regeneration of the site to create many new jobs and long term economic benefits for the town and Borough as a whole by attracting a wide range of tourists, locals and employees back into the town centre.
- 10.4 Good design and positive place making is at the heart of the SPPS core principles as they shape how all elements of the built and natural environment relate to each other through the construction of new buildings, redevelopment of historic buildings, creation of public spaces and environmental improvements. In paragraph 4.24, the SPPS advises that design is not limited to the appearance of buildings or a particular place but encompasses how buildings and places function in use over the lifetime of the development. It also states that good design should identify and make positive use of the assets of the site and surroundings to determine the most appropriate form of development. The proposed development for Queen's Parade has very much been assessed with these principles in mind given its strategic location on the coast, its town centre location, and the variety of uses proposed for the site. Central to the proposal is the desire to reconnect the town centre with the sea. This is to be achieved through the provision of the extensive public realm area in place of the current public car park at Marine Gardens. This area of open space, which will be accessible to all, will connect directly with the coast and marina along with the provision of new linkages from Main Street through the site and onto Queen's Parade.
- 10.5 Paragraph 4.29 of the SPPS states that planning authorities should not attempt to impose a particular architectural taste or style arbitrarily, however it is also important to promote or reinforce local distinctiveness. The applicant's design team has engaged with the Planning Department from the early stages of the design process for this site, taking account of all of the above elements and their inter-relationship. As a consequence, the scheme has evolved to provide the end result of a development that is considered to embrace contemporary design of its time, but which will also complement its historic setting and provide a quality environment with shared spaces which adhere to the principles of good place making.
- 10.6 The various subject policies contained within the SPPS will be considered below alongside the retained policies relevant to this proposal. The SPPS retail policies have already been considered above alongside the Development Plan and Town Centre Plan retail policies and designations.

Planning Policy Statement 2: Natural Heritage

Policy NH1 – European and Ramsar Sites – International & Policy NH3 – Sites of Nature Conservation Importance – National

- 10.7 The application site is in close proximity to the following national, European and international designated sites:
- North Channel SAC, and the Maidens SAC, which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);
 - Belfast Lough SPA, Belfast Lough Open Water SPA, East Coast SPA, which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds),
 - Belfast Lough Ramsar site, which is designated under the Ramsar Convention,
 - Belfast Lough MCZ which is designated under the Marine Act (Northern Ireland) 2013, and
 - Outer/Inner Belfast Lough ASSI, which is declared under the Environment Order (Northern Ireland) 2002
- 10.8 The application site is hydrologically linked to Outer Ards Area of Special Scientific Interest (ASSI), Special Protection Area (SPA) and Ramsar site. Natural Environment Division (NED) has assessed the Ecological Impact Assessment (EclA) submitted and notes that it concludes it is not considered that the proposals have potential to give rise to a significant adverse effect upon these or any other designated sites, following the implementation of a range of standard mitigation and best practice measures, as outlined in the accompanying outline Construction Environmental Management Plan (CEMP). NED agrees with the recommendations in the EclA that any significant impacts on Outer Ards designated sites can be mitigated through the implementation of a CEMP.
- 10.9 Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content. Given the location of the site within an already heavily developed area and existing marina, the proposed works are unlikely to have a significant impact on the adjacent Marine Protected Areas.
- 10.10 The 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 Ards and North Down Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
- 10.11 Having considered the nature, scale, timing, duration and location of the project the appropriate assessment has concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site:

1. A final Construction Environmental Management Plan must be submitted by the appointed contractor to the planning authority prior to work commencing. This shall reflect all the mitigation and avoidance measures detailed in the outline CEMP and the Ecological Impact Assessment. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the planning authority.
2. All Conditions (1-5) outlined by NIEA Land and Groundwater Team in its response dated 03/06/2020 must be applied to identify and remediate any potential pollutant pathways to the marine environment via ground and surface water.

Policy NH 2 – Species Protected by Law & Policy NH5 – Habitats, Species or Features of Natural Heritage Importance

- 10.12 According to the submitted EclA the site was recorded as supporting a range of bird species, a number of which are considered likely to utilise the habitats supported within the site for the purposes of breeding. The buildings on site were also considered to offer opportunities for low numbers of nesting bird species such as swallow and swift, which have been recorded within the site. The Bat Survey report also outlines that nesting activity of swifts and swallows was observed in a building within the site. House sparrows were also recorded on site and are likely to be using existing buildings for nesting. Swifts and house sparrows are Northern Ireland priority species and amber listed species of conservation concern in Ireland.
- 10.13 As demolition of buildings and vegetation clearance will be required as part of the proposed development, NED advised in its initial consultation response that this could be likely to result in the loss of a significant number of nesting sites for breeding birds, including swift, swallow and house sparrow and considered that an inadequate assessment of the likely impact of the proposal on breeding birds, particularly swifts, had been carried out. NED also recommended that appropriate compensation is provided for the loss of nesting sites for swifts, swallows and house sparrows in the form of nest boxes or bricks.
- 10.14 The agent responded to these comments suggesting that an appropriately worded condition could be incorporated in any approval to include a requirement for a breeding bird survey, at the appropriate time of year, (between April and June inclusive) to assess the supported number of nesting swifts, swallows and house sparrows within the site. This survey should take place in breeding bird season prior to the proposed demolition works. The findings of such a survey will ensure that appropriate mitigation, such as nest boxes for the relevant species, is provided within the completed development, as requested by NED. The agent also submitted an Ecological Survey for Birds. Following a review of this additional information, NED has advised that it agrees with the recommendation in the report that a further breeding bird survey to confirm the findings of the survey is required prior to any works commencing on site and to ensure appropriate mitigation and compensation measures are

implemented based on the findings of the updated survey. NED is content that provided an updated breeding bird survey, including swift survey, of the site is carried out and appropriate mitigation and compensation measures are implemented for the loss of existing nesting sites, the proposal is unlikely to have a significant impact on nesting birds. It is recommended that any planning permission is subject to an appropriately worded condition to secure this.

- 10.15 NED also recommends that sufficient compensatory planting with native species is carried out to minimise the impact of the proposal on the biodiversity of the site. While landscaped areas have been indicated on the submitted plans, no detailed landscaping schedule listing species, size, numbers etc. has been submitted with the application. However, approval of the proposal could be subject to a planning condition requiring the submission and approval of these details prior to the commencement of development.
- 10.16 NED has assessed the submitted Bat Survey and notes that it concludes no bats were observed or recorded within or close to the survey area and that no bat licence, mitigation or compensation is required. NED is content with the findings of the bat survey and considers that the proposal is unlikely to have a significant impact on the local bat population.
- 10.17 NED has noted that the EclA refers to the presence of Japanese knotweed on the site. Japanese knotweed is an invasive species listed under Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and measures must be taken to prevent its spread. NED notes from the Japanese knotweed Excavation Verification Report submitted that the four stands of Japanese knotweed identified within the site have already been removed. NED is content that appropriate measures have been taken to remove Japanese knotweed and contaminated soils from the site. NED has recommended that prior to any works commencing on site an inspection is undertaken to review the site conditions and the potential for any recurrence of Japanese knotweed and any necessary action should be taken prior to works commencing on site. NED recommends that details of these inspections are included in the Construction Environmental Management Plan (CEMP).

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP1 Creating an Accessible Environment

- 10.18 The policy's 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. Where appropriate, the external layout of development will be required to incorporate all or some of the following:
- facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc., together with the removal of any unnecessary obstructions;

- convenient movement along pathways and an unhindered approach to buildings;
- pedestrian priority to facilitate pedestrian movement within and between land uses; and
- ease of access to reserved car parking, public transport facilities and taxi ranks.

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases there will be a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

10.19 The development has been designed to incorporate level access wherever possible; however, given the sloping topography of the site it has been necessary to also incorporate ramps and lifts to facilitate access from Market Place down to Queen's Parade. Disabled parking spaces are placed at convenient locations in the under-croft car park and lifts from the car park to the various buildings are also provided. Five disabled parking spaces are also shown on Queen's Parade itself along with a further three spaces within Marine Gardens. The whole scheme has been designed with pedestrian priority at the forefront with excellent pedestrian linkages incorporated from King Street and Main Street into the site, and the proposed raised table on Queen's Parade which will provide access to the new public realm at Marine Gardens will also facilitate pedestrian priority.

Policy AMP 2 Access to Public Roads

10.20 Policy AMP2 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.

10.21 The development will be served by three vehicular accesses which will include a new two-way access off Southwell Road to serve the proposed under-croft car park, a new entrance only access off King Street to serve the parking for the residential element which will exit onto the Vennel, and the existing Vennel right of way entrance itself. A further pedestrian and service vehicle access will be created off Main Street referred to as Trinity Way as well as a narrower pedestrian access from Main Street into the proposed Trinity Square.

Pedestrian access will be provided from the site onto Queen's Parade via the wide steps and ramp system centrally located within the site.

10.22 A Transport Assessment (TA) prepared by Atkins was submitted with the application and followed by a further addendum submitted on 29 July 2020 as requested by DFI Roads and to address the amendments to the scheme which included a reduction from 138 residential units to 137 residential units and a reduction from a 67 bed hotel to a 66 bed hotel. The scope of the TA was agreed with DFI Roads in June 2019 prior to the submission of the application. The TA reviews the potential transport impacts of the proposed development with proposals to mitigate any adverse consequences.

10.23 As part of the previous planning approval on the site, traffic impact assessments were undertaken in 2014 for the following junctions:

- Queen's Parade/Main Street
- Queen's Parade/Grays Hill/Southwell Rd
- Quay Street/High Street
- King Street/Main Street
- Main Street/Castle Street
- Bryansburn Rd/Grays Hill/Dufferin Ave

It is demonstrated in the TA that the current development proposals will actually generate less new vehicle trips onto the local highway network compared to the development previously approved. It is also demonstrated in the TA that background traffic volumes within the Bangor area have not increased since the 2014 assessment, therefore it is considered that the 2014 approved TA junction assessment findings that the existing highway network will be able to accommodate the proposed development without the need for any improvements remain valid.

10.24 DFI Roads has agreed that finalised Private Streets Determination drawings can be submitted and agreed prior to a final decision being issued.

Policy AMP 7 Car Parking and Servicing Arrangements

10.25 Policy AMP7 requires development proposals to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. In assessing car parking provision, the policy requires that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

10.26 As the site is located within an area of parking restraint as identified in draft BMAP, the parking standards set out in the draft plan, along with any amendment proposed to the policy by the PAC and accepted by the Department in its adoption statement shall be considered in the assessment of parking provision for the proposed development.

10.27 Existing Parking Provision

In the first instance, it is important to consider the existing parking provision on the site and how much of this will be lost as a result of the proposed development, and also existing parking provision available within a reasonable walking distance of the site. Table 28 below sets out the extent of existing parking on the site. The temporary car park on the site at Queen’s Parade is not counted in the overall loss of parking provision as this car park was never intended to provide permanent parking for the site or town as it was only granted planning approval on a temporary basis pending the redevelopment of the site. Table 29 sets out the existing parking provision within 800m of the site. This does not include the parking provision within the Flagship Centre which is subject to a private tariff and is currently closed. Figure 30 indicates the location of the existing car parks surveyed by Atkins. The green circle on the diagram indicates the 800m isochrone around the site and the purple circle indicates 400m.

Marine Gardens	201
King Street	37
Total	238

Table 28 – Existing parking provision on site

Free Car Parking	
Central Avenue	29
Newtownards Road/Church Street	32
Seacliff Road	130
Abbey Street West	38
Castle Park	55
Clifton Road	30
Tariff Based Public Car parking	
Abbey Street East	70
Bangor Marina	54
Bingham Lane	59
Castle Street	82
Holborn Avenue	68

Mills Road	76
Park and Ride	
Abbey Street	123
Dufferin Ave	234
Total	1080

Table 29 – Existing parking provision within 800m of site (excluding parking within application site and Flagship Centre)

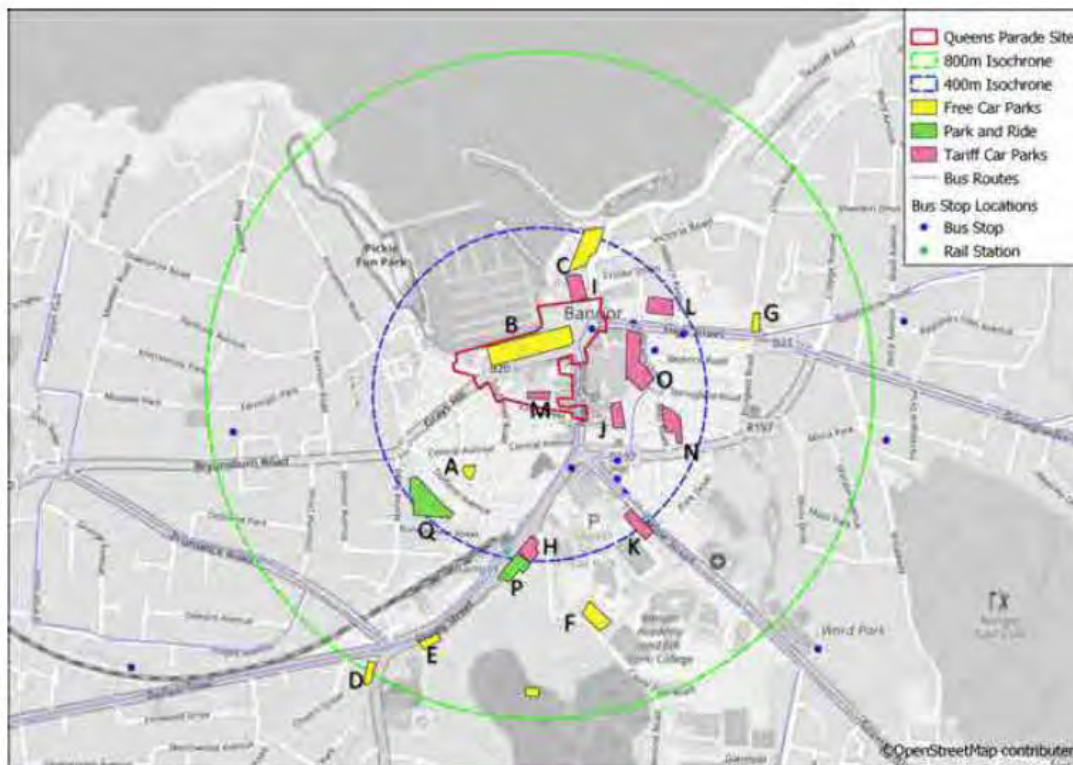


Figure 30 – Extent of Car Parks Surveyed by Atkins

10.28 Surveys of the existing car parking provision were carried out by Atkins to establish the current situation regarding parking supply and demand within the town centre. These were carried out hourly on Thursday 6th June 2019 8am-6pm and Saturday 8th June 2019 10am-4pm. Based on these surveys, it would appear that, overall, there would be sufficient spare capacity available in existing car parks within 800m of the site to accommodate the 238 spaces lost as a result of the development, with between 226 and 566 spaces available during the weekday surveyed and between 501 and 625 spaces available during the weekend survey as outlined in Table 31 below.

	Thursday 6th June 2019	Saturday 8th June 2019
Max total No. of spaces free during day	566 (5pm-6pm)	625 (3pm-4pm)
Min total No. of spaces free during day	226 (11am-12 noon)	501 (1pm-2pm)

Table 31 – Results of parking surveys – available capacity

10.29 Atkins also carried out surveys of the use of the car parks at Marine Gardens and King Street to help understand the level of car parking demand associated with these two car parks and the impact of their removal. Tables 32 and 33 below set out the results of the surveys conducted on a weekday and a Saturday for the two car parks. The figures demonstrate that the car park at Marine Gardens in particular, is almost at full capacity between the hours of 11am and 4pm on a weekday. The surveys carried out also recorded the duration of stay for cars parked at the Marine Gardens car park. Vehicle number plates were recorded upon entering and exiting and a duration of stay derived for each vehicle, the details of which are set out in Table 34 below. The figures demonstrate that the most popular duration is 1-2 hours, therefore the car park is primarily used for short stay which is reflective of the town centre location rather than being used by commuters or those working within the town centre.

Marine Gardens	Weekday No. of parked cars	Saturday No. of parked cars
8am	24	-
9am	145	-
10am	175	101
11am	186	153
12noon	193	165
1pm	196	152
2pm	184	164
3pm	184	182
4pm	181	-
5pm	124	-
Average	159	153

Table 32 – Total number of parked vehicles recorded at 201 available spaces at Marine Gardens

King Street	Weekday No. of parked cars	Saturday No. of parked cars
8am	1	-
9am	3	-
10am	8	19
11am	12	16
12noon	18	27
1pm	24	29
2pm	31	31
3pm	33	24
4pm	21	-
5pm	13	-
Average	16	24

Table 33 – Total number of parked vehicles recorded at 37 available spaces at King Street

Duration of stay (Hours:Mins)	Weekday No. of parked cars	Saturday No. of parked cars
00:00-00:05	40	43
00:05-00:30	80	63
00:30-01:00	89	76
01:00-02:00	116	134
02:00-03:00	46	49
03:00-04:00	21	25
Over 04:00	18	8

Table 34 – Duration of stay for parked cars at Marine Gardens

10.30 Required Parking for Site

The required level of parking for the site has been considered against the standards set out in policy TRAN1 of the unlawfully adopted quashed BMAP (Table 35 below). Material weight is afforded to the findings of the PAC following the Public Inquiry which the Department accepted at the time. The main difference is that draft BMAP sets a standard of 1.5 spaces per residential unit and the unlawfully adopted BMAP sets a standard of 1 space per residential unit. In paragraph 5.6.12 of the PAC's report on the public inquiry, the Commission consider an objection to the parking standard of 1.5 spaces per residential unit for Lisburn City Centre, Bangor town centre and Carrickfergus town centre. The Commission concluded that the same residential standard of 1 space per unit should be applied throughout all Areas of Parking Restraint.

Policy TRAN 1			
Parking Standards within Areas of Parking Restraint			
Within designated Areas of Parking Restraint the following parking standards will be applied:-			
AREA	Car Parking Standards		
	RESIDENTIAL	NON RESIDENTIAL	NON RESIDENTIAL
	No. of spaces per dwelling	No. of non-operational spaces per m ² of floorspace	No. of operational spaces per m ² of floorspace
Belfast City Centre Core	1.0	1 / 300	1 / 930
Belfast City Centre Fringe	1.0	1 / 100	
Lisburn City Centre, Bangor and Carrickfergus Town Centres	1.0	1 / 50	
Commercial Nodes on Arterial Routes [outside Belfast City Centre Areas of Parking Restraint (Core and Fringe)]	1.0	1 / 100	
Reductions in the above standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.			

Table 35 – Extract from BMAP (quashed) (Policy TRAN1)

10.31 A total of 37 spaces on King Street and 95 informal spaces on Queen’s Parade will be lost upon redevelopment. It is argued that the 37 spaces to be lost on King Street can be accommodated within spare capacity in other existing car parks within 800m of site as demonstrated above. As also outlined above, it is considered that the loss of 95 spaces on Queen’s Parade is not material as this is informal, temporary parking only, pending redevelopment of the site. The required parking for each of the different uses proposed within the scheme is set out in figure 36 below in line with the Policy TRAN1 parking requirements. For non-residential development, Policy TRAN1 (Area of Parking Restraint) requires 1 non-operational space per 50sqm and 1 operational space per 930sqm in Bangor Town Centre. In the assessment, *operational parking spaces* refers the spaces required for vehicles regularly and necessarily involved in the operation of the business of the particular buildings including commercial vehicles servicing the buildings. *Non-operational parking spaces* mean the spaces required for vehicles that do not need to park or wait precisely at the premises.

Proposed Use	Development	Spaces Required
Residential	137 units	137
Hotel	66 bed 5,627 m ² (gross external floorspace)	113 (non-operational) 6 (operational)
Cinema/Leisure Use & Kids' Zone	1,503 m ² Cinema/Leisure (gross internal floorspace) 1,440 m ² Kids' Zone (gross internal floorspace)	59 (non-operational) 3 (operational)
A1 Retail	1,323 m ² (gross internal floorspace)	26 (non-operational) 1 (operational)
Food Retail	430 m ² (gross internal floorspace)	9 (non-operational) 0 (operational)
Offices	6,599 m ² (gross internal floorspace)	132 (non-operational) 7 (operational)

Table 36 - No. of parking spaces required for each proposed use

10.32 Comparison of Proposed Parking and Required Parking for Site

The overall parking provision for the development will include 217 spaces provided within the under-croft car park, 24 spaces at King Street and 14 spaces within the residential courtyard providing an overall total of 255 spaces. The shortfall in parking provision for the proposed development is set out in Table 37 below. When assessed against the standards set out in Policy TRAN1 of the unlawfully adopted BMAP there will be an overall shortfall of 238 spaces.

Proposed Use	Development	Required Parking Spaces	Proposed Parking Spaces	Shortfall
Residential Units	137 units	137	113	24
Hotel	66 bed	119	25	94
Cinema/Leisure Use & Kids' Zone	1,503 m ² & 1,440 m ²	62	29	33
A1 Retail	1,323 m ²	27	0	27
Retail Food	430 m ²	9	0	9
Offices	6,599 m ²	139	88	51
Total		493	255	238

Table 37 – Proposed parking considered against required parking for site

10.33 Parking Provision for Previous Approval W/2014/0456/F

Whilst the previous planning approval on site is a material consideration, a direct comparison of the parking provision proposed within it as compared to this application is not considered to be material or of benefit. It should be noted that it was submitted in a different context than the present application. The then Department for Social Development (DSD) defined a brief and appointed

a consultancy team led by Turley to prepare a full planning application for the site. That brief stated a number of objectives for the proposal as follows:

- Be financially viable and economically sustainable in the long-term
- Meet the challenges of long-term market challenges and create flexible reusable building structures to mitigate the need for wholesale redevelopment in the future;
- Be capable of being delivered by the private sector in the current market conditions; and
- Be acceptable to the community and political representatives in Bangor and elsewhere.

10.34 The proposals formulated focused on creating a new place which would be a hub for culture, leisure, arts and a theatre in Bangor town centre. Shops, restaurants and two hotels would complement this hub and bring animation to the high-quality spaces. A critical element of the new development was the inclusion of residential development within the heart of the proposal, a mix of apartments and houses to make this space an enduring place and put people back at the heart of Bangor.

10.35 That proposal secured permission in July 2015; however, no one came forward to avail of the site with this approval. An application for a Premier Inn was submitted and approved at Castle Park Avenue (now constructed and operating) and it was considered that the theatre would not be viable in light of the theatre at SERC (SPACE) and the proximity to Belfast. DSD vested and assembled the necessary lands to deliver the proposal, and DfC then marketed the site, inviting expressions of interest from developers to deliver the project. Bangor Marine was selected as the preferred developer to take forward the project, and it is Bangor Marine's proposal that is under consideration now, not that contained within the previous application, which was formulated in the absence of a developer.

10.36 It is also notable that the previous proposals were approved prior to publication of the SPPS, which highlights the Regional Development Strategy and DRD's 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation' document in considering that better integration between transport and land use is fundamental to progressing the implementation of regional guidelines to garner greater use of sustainable transport. Reducing green house gas emissions from transport is listed as one of the mitigating measures towards achieving the Executive's target of reduction in greenhouse gas emissions of at least 35% by 2025 (based on 1990 levels) and reduced private car use is considered necessary in moving towards this goal. It is in this overall context, and the town centre location and proximity to public transport that the application has been assessed as providing appropriate parking, as further detailed below.

10.37 **Consideration of Shortfall in Parking Provision For Current Proposal**

Chapter 8 of the Atkins Transport Assessment (TA) sets out the parking assessment and approach for the proposal. In addition, at the request of the

Council, the applicant's agent prepared and submitted a statement in October 2020 setting out the planning considerations relevant to the proposal which included the issue of parking provision.

10.38 Residential

In formulating the parking provision for the residential component of the development, greater weight was attached to the provisions of the unlawfully adopted BMAP. The rationale for this approach is based on the following:

- The provisions set out in the unlawful version of BMAP have been assessed through a Public Inquiry process and the recommendation of the PAC was accepted by the Department.
- The standards align with the policy context used to determine the previous planning application which is a material consideration.
- The reduced level of car parking is supported by the policy direction set out in the RDS 2035, Policy SF4 – *'Managing the movement of people and goods within the BMUA by improving usage of public transport and promoting an integrated approach to land use planning and transportation'*.
- The Council's Preferred Option within its Preferred Options Paper for key issue 38 (promotion of sustainable transport and active travel) seeks to encourage a modal shift and place the onus on developers to demonstrate how they have positioned sustainable transport and active travel at the heart of new developments (as advocated within the SPPS).

10.39 The break-down of car parking spaces for the proposed residential element of the development is as follows:

- 24 spaces to the rear of King Street assigned to the proposed residential units on King Street.
- All one bedroom apartments, of which there are 24 will have no assigned car parking space. Residents will be eligible to apply for a Travel card for a period of one year.
- All remaining two and three bedroom apartments will have one assigned space per unit

10.40 With regard to the shortfall of 24 parking spaces, the agent argues that Policy TRAN1 allows for reductions in standards in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. It is argued that the site is in a highly accessible location and that public transport is a suitable alternative given that it is proposed to provide each unit with a subsidised travel card.

10.41 Hotel

25 on-site spaces are proposed for the hotel. Policy TRAN1 requires 1 space per 50sqm of non-operational floor space which would equate to a requirement of 119 spaces for the proposed hotel resulting in a shortfall of 94 spaces. Rather than applying this standard, the developer has taken the approach of reviewing similar types of sites within the TRICS Database. The developer states that the

review demonstrated that similar sites and hotels provide approximately 0.37 spaces per bedroom which would equate to a requirement for 25 spaces for the proposed 66 bed hotel. It is also argued that this is in keeping with the Marine Court Hotel which provides 20 spaces for its 51 beds equating to around 0.39 spaces per bedroom. (The data, site selection and calculation from the TRICS analysis are contained within Appendix E of the TA).

10.42 Leisure/Cinema and Kids Zone

29 spaces are proposed for these uses. The Policy TRAN 1 standard of 1 space per 50sqm of non-operational floorspace would require 59 spaces resulting in a shortfall of 30 spaces. In this case the developer has applied the lower standard of Policy TRAN1 of 1 space per 100sqm (applicable to Belfast City Centre). The justification for adopting this ratio is that the leisure peak (mainly afternoons) will occur outside of the busiest times for the hotel which are typically in the evenings. It is argued that the leisure component can draw on car parking spaces allocated to the hotel during its off-peak period. In addition, during the weekend, which would be another peak period for the leisure components, the office element of the development will be empty and car parking spaces allocated during the week to this will be available for leisure use. The reservation and distribution of the car parking spaces at various times throughout the day and week will need to be very carefully controlled and managed by the developer's management company to ensure all of the different uses have adequate available parking when needed. There are existing examples where this method has been employed in other similar developments where parking is reserved and controlled through the use of barriers and signage. It is therefore recommended that any planning permission is subject to a condition requiring detailed proposals for the management of the car park to be submitted to and approved by the Council prior to the commencement of development/commencement of use.

10.43 A1 Retail and Food Retail

No spaces are proposed for these uses. Policy TRAN1 standards would require a total of 35 spaces. It is argued by the developer that these retail and food retail uses would not generate trips in their own right and that instead, these trips will be as part of a shared trip with other elements being offered as part of the development proposals and as a wider complimentary offer to existing town users. It is therefore argued that no parking is required on site for these uses.

10.44 Offices

88 on site spaces are proposed for the office use. According to policy TRAN1 132 spaces would be required.

The developer accepts that parking provision for the offices should be in line with the requirements for Bangor i.e. 1 space per 50sqm of non-operational floorspace.

The TA sets out that the proposed offices will be delivered in two phases:

- Phase 1 – 3,218sqm (ground floor and first floor)
- Phase 2 – 3,381sqm (upper two floors)

Based on the TRAN1 standards, Phase 1 will require 64 on site spaces. Given that 88 will be provided, there will be a surplus of 24 spaces from Phase 1. Phase 2 will require 68 on site spaces and will be assigned the 24 surplus spaces from Phase 1 resulting in a remaining requirement for 44 spaces. It is proposed to offset these parking spaces through sustainable measures such as Travel Cards and off-site parking. The planning agent has suggested the execution of a legal agreement to specify that the second phase of the office accommodation cannot be occupied until an appropriate review of the parking provision and uptake of the remainder of the scheme has been undertaken and monitored to establish at what point Phase 2 can be occupied. A Corporate Commuter Initiative to encourage office workers to use public transport is also proposed by the developer, the details of which would be finalised in the Section 76 Planning Agreement.

10.45 When assessing the parking provision for the scheme as a whole, the existing parking provision for existing uses on the site must also be considered as a baseline for the proposed development. In this respect, it is argued by the developer that the standard of 1 space per 100sqm would be more in keeping with the existing standard of parking provision for the existing uses on the site. The total floorspace of existing and demolished retail and office uses on the site is 11,720sqm. In line with TRAN1 requirements of 1 space per 50sqm, 235 spaces would be required for this amount of floorspace. The actual existing parking provision within the site for the existing floorspace is 132 spaces (37 spaces in King Street, 95 informal spaces on Queen's Parade). This would equate to a ratio of approximately 1 space per 89 sqm which it is argued is more comparable to the Belfast City Centre standard of 1 space per 100sqm. If the temporary car park on Queen's Parade is discounted, then the only actual permanent parking provision on site available to the existing uses is the King Street car park. This would equate to a ratio of approximately 1 space per 317sqm. On the basis of these existing parking arrangements, it is considered that the application of the 1 space per 100sqm standard is a more reasonable and realistic standard to apply, and was in fact discussed with the design team and transport advisers during pre-application discussions.

10.46 Disabled Parking

Given that the car is often the only form of transport available to many people with disabilities, developers will be required to reserve an appropriate proportion of parking spaces to meet the needs of people with disabilities. Such designated parking spaces should be conveniently located to facilitate ease of access to the buildings they serve in order to take account of the limited mobility range of many disabled people. There are currently no published standards for providing guidance as to the required number, layout and location of disabled parking spaces for proposed developments. However, within the under-croft car park of the development, ten disabled spaces are proposed which equates to approximately 4-5% of the overall provision in the under-croft parking area. There are also another six disabled spaces provided along Queens Parade and four disabled spaces, as well as five parent & toddler spaces, within the Marine Gardens area off the Queens Parade/ Southwell Road roundabout.

10.47 Operation and Management of Car Parking

The developer proposes to carefully operate and manage the proposed parking to ensure that the appropriate number of spaces are assigned to and used by each use within the development. The under-croft car park with its 217 spaces will be barrier controlled near its access off Southwell Road and parking spaces will be designated internally for the different uses. In addition, given that the office spaces will generally only be in use between 9am – 5pm these will be free for other visitors to use outside of these hours. It is proposed that number plate recognition cameras will be set up at the entrance barriers to record vehicle number plates on the way in. A ticketless system will be employed and visitors would pay for parking by inputting their number plate or the use of mobile phone apps would also be an option. The car parking spaces themselves can be colour coded physically on the ground or smart technology could be installed such as intelligent bay parking. Each bay would have a sensor and light and would go red if reserved or change colour depending on use. The control of the parking would be achieved by management and penalties for parking in wrong zones. With the use of smart technology, early warning signs can be flagged electronically to the management company instantly. There would also be the facility for visitors to reserve spaces online, which would be particularly useful for guests staying at the hotel. To further assist the system, VMS (Variable Message Signage) could be set up on the periphery of the site. This would inform commuters before they get to the car park whether the car park has free spaces. The final details of how exactly the parking will operate and be managed in the long term will have to be submitted and agreed with the Council prior to the commencement of development by means of a planning condition or Section 76 Planning Agreement.

10.48 Conclusion

It is acknowledged that when assessed against the relevant parking standards, there would be a shortfall of parking for the proposed development as outlined above; however, given the town centre location, determining weight is being attributed to the promotion of more sustainable modes of transport and it is considered that the developer has put forward appropriate compensatory measures. These will include Travel Cards for residential properties and office workers for a fixed period, a Corporate Commuter Initiative Plan for office workers to encourage commuting via public transport, careful management and operation of the under-croft car park and also the provision of 44 off-site parking spaces for office workers, prior to the occupation of phase 2 of the offices. The final details of these compensatory measures will be secured through a Section 76 Planning Agreement between the Council and the developer. With regard to the loss of existing parking provision at Marine Gardens and King Street it is considered that the submitted surveys satisfactorily demonstrate that there is sufficient available capacity for parking within other existing car parks within walking distance of the site. It is also relevant to re-evaluate travel in light of the current national pandemic and the practice of homeworking which has been necessitated across a vast number of businesses in the past year. It has been demonstrated that many workers can operate successfully from home on either a permanent or part-time basis, and as such, previous practice of long-term parking and travelling out of the Borough for work may not continue at the

previous rate when the pandemic has subsided, and businesses/employees may re-evaluate their work/travel options in this regard, thus reducing reliance on the private car. In conclusion, when the loss of the existing parking and shortfalls in proposed parking provision are weighed in the planning balance against the significant overall regeneration benefits and environmental improvements of this scheme along with the compensatory measures proposed, and the regional drive for modal shift, the proposed parking arrangements are considered to be acceptable.

10.49 Proposed Servicing Arrangements

With regard to servicing arrangements, the policy advises that they are also important and can exert a major influence on the quality of the urban environment and its attractiveness to shoppers and other visitors. In city and town centre locations, developers will normally be expected to include proposals for the provision of rear servicing facilities where practicable. It is recognised, however, that historic settlement patterns may be a constraint upon the provision of rear servicing.

- 10.50 A Service Management Plan was prepared by Atkins and submitted with the application. Atkins engaged with DRI Roads in June 2019 to discuss proposals for servicing the development prior to the submission of the application. The site as existing benefits from three service locations; two on Queen's Parade and one at King Street car park. Some of the commercial properties on Main Street are serviced from the rear via the existing King Street car park access with vehicles accessing the site via the Main Street/King Street junction and existing via King Street and Southwell Road. The development site will continue to be serviced off King Street and Queen's Parade. However, the redevelopment proposals will provide formalised and improved service areas. A new through route from King Street to Main Street is proposed. This is expected to operate as the main servicing area for both the properties on Main Street and the new central areas of the development. This area has been designed to accommodate large articulated vehicles. On Queen's Parade, a number of existing on street parking spaces will be removed and replaced with two loading/unloading bays. These will service the hotel, residential and retail units that front onto Queen's Parade. Smaller vehicles will be able to service the kiosks located within the public realm area via the eastern access point. All access and egress for servicing vehicles to this area will be restricted via the use of bollards.

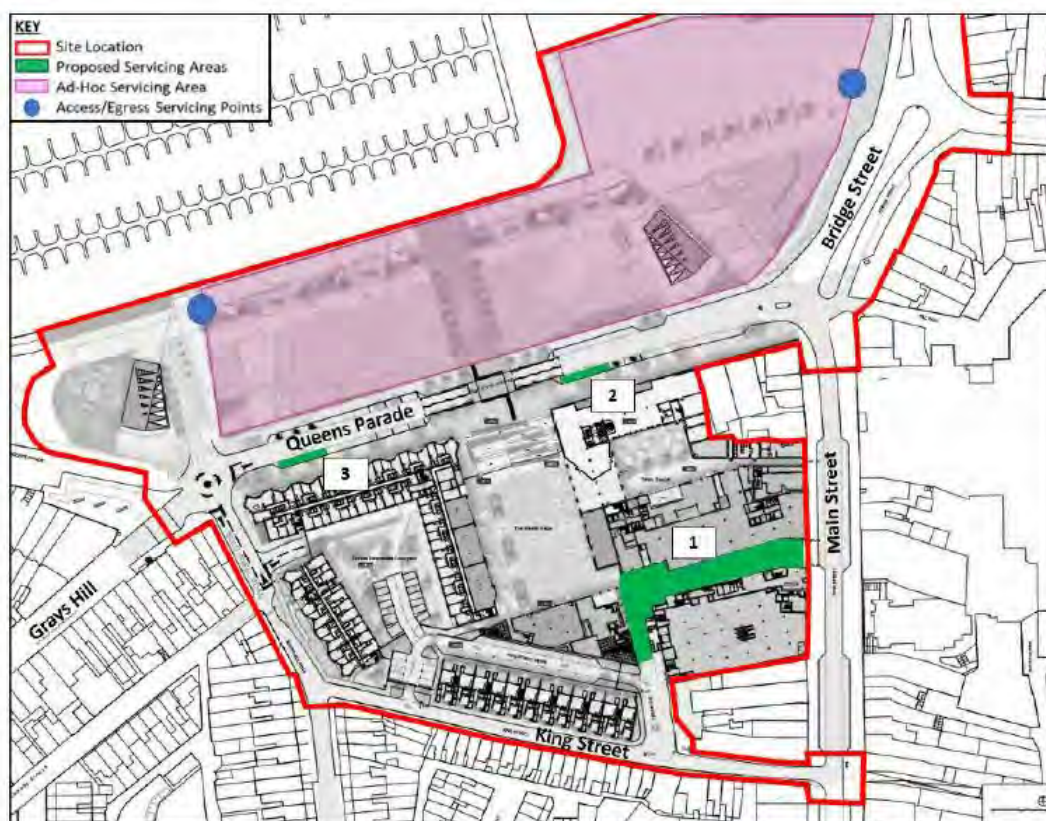


Figure 38 – Proposed Servicing Locations

10.51 In terms of refuse disposal, in the submitted Service Management Plan, the applicant proposed that for the residential development, it is expected that it would operate in a similar fashion to other developments of this type with weekly waste collections from the Council for the residential elements. However, given the number of apartments proposed, the Council raised concerns about the number of individual domestic bins that would clutter the pavement on bin collection days. In response to this the applicant now proposes that all residential refuse will be dealt with by private collections with larger Euro bins. In relation to the refuse collection for the residential apartments, the operations manager will be responsible for moving bins between the storage locations and collection points on collection days. It is recommended that the final details of these arrangements are subject to a planning condition requiring submission and approval prior to commencement of development. Refuse collection for the commercial elements will be contracted to private refuse collection companies.

10.52 In terms of daily service vehicle movements, it is anticipated that for the scale and type of development proposed, this will range from two axle rigid vehicles to four axle articulated vehicles. However, the type of vehicle will largely depend on the nature of the businesses that will occupy the development. No details have been provided in relation to potential delivery times to commercial units (hotel/cinema/retail). As early morning/late night deliveries by commercial vehicles can cause disturbance to nearby residents, Environmental Health has requested that a condition should be attached to any approval stipulating that

deliveries by commercial vehicles shall not take place outside the hours of 7.00-23.00 Monday to Saturday and not at all on Sundays or public holidays.

10.53 Traffic Management during Construction

There will be a wide range of temporary traffic management measures required to facilitate the construction of the development. The design of the traffic management will be the responsibility of the building contractor. The contractor will be required to liaise and seek agreement with DFI Roads Traffic Section, Translink and the PSNI which will require a temporary Traffic Regulation for road works. The contractor will prepare a method statement and risk assessment for all operations which include the installation or removal of traffic measures such as road closures, road diversions and restrictions on waiting and parking. The traffic management proposals may require traffic regulation under the Road Traffic Regulation Act 1988 which covers measures such as the introduction of one-way streets, banned turns, temporary speed limits and loss of parking areas. An authorised route for construction traffic will be agreed in advance with DFI Roads and movements will be timed to occur outside the peak hour periods i.e. 9.30–16.30.

10.54 Summary

In summary, the development proposal addresses the policy requirements set out in PPS3. The development provides an accessible environment to all. Access to the development is based on the principles established under the previous planning permission W/2014/0456/F and does not prejudice road safety or significantly impact on the flow of traffic. DFI Roads is content with the location of the various accesses to serve the development. The application is supported by a Transport Assessment prepared by ATKINS. The assessment demonstrates that there is sufficient capacity within the existing town centre car parks to accommodate the loss of Marine Gardens and King Street and the proposed parking provision is satisfactory for the reasons outlined above.

AMP 8 Cycle Provision

10.55 Policy AMP8 states that permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- a) safe and convenient cycle access;
- b) safe, convenient and secure cycle parking having regard to the Department's published standards; and
- c) safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.

In addition, major employment generating development will be required to make appropriate provision for shower and changing facilities.

10.56 The development proposal incorporates appropriate provision of cycle parking for a development of this size. Approximately 100 secured, covered and lit cycle parking spaces will be provided for residents and visitors to the residential units.

These spaces will be provided in blocks one, two and three. Additional cycle parking spaces will be provided on site to cater for the remaining proposed uses and around 78 parking spaces will be provided within the new public realm area at Marine Gardens. Shower and changing facilities are to be provided within the proposed office block. The proposed development also benefits from its close proximity to an extensive cycling network. The National Cycle Network (NCN) Route 93 runs within close vicinity to the site along the coastal path. This route runs from Londonderry to Bangor via Belfast city centre. See condition attached to York Street UU or car park approval

AMP9 Design of Car Parking

10.57 Policy requires a high standard of design, layout and landscaping to accompany all proposals for car parking. The proposal has been assessed against this policy and I am content that the car parking provision has been well designed, respects the local character and the wider setting. Provision for safe and convenient access/egress and direct and safe internal movement for cyclists and pedestrians, including people with disabilities and others whose mobility is impaired is satisfied.

AMP10 Provision of Public and Private Car Parks

10.58 This policy considers that public parking provision in future should focus on meeting the demand generated by centres for short-stay spaces. However, the overall transportation objective will nevertheless be to restrain the use of the car and encourage shoppers and commuters to use public transport and Park and Ride initiatives. DFI Roads has assessed the proposal and is content.

Planning Policy Statement 4: Planning and Economic Development

PED 1 Economic Development in Settlements

10.59 Policy PED1 states that a development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan). The principle of the proposed offices at this location within the town centre is acceptable. While the offices will be located within the Primary Retail Core and will occupy the ground floor of part of the Primary Retail frontage as proposed in Draft BMAP, it is not considered that the business use will cause any unacceptable harm to the retail function of the town centre as outlined in the detailed consideration within the development plan section above. It should be noted that Class A2 of the Planning (Use Classes) Order (Northern Ireland) 2015 deals with financial, professional and other services, whilst Class B1 business use is use as an office other than a use within Class A2, or use as a call centre, or use for R&D which can be carried out without detriment to amenity.

PED 9 General Criteria for Economic Development

10.60 A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The proposed offices will be compatible with the surrounding land uses. Existing uses immediately adjacent to the site of the proposed offices include Café Nero to the south and Halifax and Reeds Rain to the north. Other proposed development adjacent to the offices will include the kids' zone, food and beverage and the hotel to the north/north west. None of these adjacent uses will cause any conflict with the proposed offices.

(b) it does not harm the amenities of nearby residents;

Given the town centre location and existing mix of uses, the potential for impact on residents is minimal. The nearest residents will be those occupying the new apartments within the scheme which will front onto Market Place. These will be located at least 35m away from the offices.

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

The impact of the development as a whole on features of natural and built heritage has been assessed in detail above against the policies contained in PPS2 and PPS6.

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

Flood risk and drainage issues relevant to the site and proposed development are considered in detail below under PPS15.

(e) it does not create a noise nuisance;

Offices by their nature do not create significant noise levels, particularly when located within inner urban areas where background noise levels are generally higher. Environmental Health has not raised any concerns in relation to potential noise levels emanating from the office use.

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

As the proposal is for office use there will be no significant emissions or effluent.

(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;

The impact of the development as a whole on the existing road network is considered in detail above under PPS3.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Access and parking for the development as a whole is considered in detail above under PPS3.

- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respect existing public rights of way and provides adequate and convenient access to public transport;**

The offices will be within walking distance of both Bangor Bus Station and Train Station. Shared cycle parking is provided within the under-croft car park for the offices and other commercial uses within the development. A number of disabled parking spaces are also provided in the under-croft car park within close proximity to the entrance to the offices and lifts are provided at two locations within the building. The existing right of way at The Vennel is retained and incorporated into the new development.

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

The overall layout, design and landscaping of the development as a whole is considered to be of a high quality. The design of the office building itself will enhance Main Street which is characterised predominantly by very unremarkable buildings which make no material contribution at all to the appearance of the area. The existing buildings shown in Figure 39 below containing B&M, Oxfam and the Hospice shop will be demolished to make way for the new office building which will have a similar height to the Café Nero building up to the parapet wall with an upper floor set back 11m. While this top floor of the building will sit higher than the existing buildings on Main Street, given its considerable set back from the building line of Main Street it is not considered that it will have any adverse visual impact on the streetscape. The building will have a brick finish at ground floor and a self-coloured render finish above with vertical emphasis to the windows. Glazing and a main entrance is proposed at ground floor on Main Street to ensure the frontage will have an element of activity. A series of large window openings will present onto the new Trinity Way pedestrian link to ensure that there will be an element of active frontage onto this aspect also.



Figure 39 – Existing buildings on Main Street to be demolished

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

N/A – the building is positioned immediately adjacent to other buildings within the development.

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

Large windows will overlook the new pedestrian link at Trinity Way and if approved the application will be subject to a planning condition requiring submission of details of all lighting for approval prior to the commencement of development. Access to the building will be safe from the under-croft car park and from Main Street.

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

N/A

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings, Policy BH 3 Archaeological Assessment and Evaluation and Policy BH 4 Archaeological Mitigation

10.61 The proposed development site is located in an area which is known to contain both upstanding and below ground archaeological remains of the historic settlement and includes the 17th century core of the town. There is potential for below ground archaeological remains and upstanding historic fabric to survive within the proposed development area. Large sites such as this are rarely

archaeologically sterile and there is potential for below ground archaeological remains to be uncovered during ground works.

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

Policy BH 11 Development affecting the Setting of a Listed Building

10.63 The application is in close proximity to, and potentially impacts upon the following listed buildings:

- HB23 05 010 McKee Clock Grade B2 within site
- HB23 07 021 A-B 61-62 Queens Parade Grade B2
- HB23 07 013 A-B 59-60 Queens Parade Grade B2
- HB23 07 012 A-B 57-58 Queens Parade Grade B2 terraces NW of site
- HB23 07 011 A-J 47-56 Queens Parade Grade B2
- HB23 14 002 A-D 7-10 Mount Pleasant Grade B2
- HB23 07 006 1st Presbyterian 100 Main St Grade B+ south of site
- HB23 07 007A St Comgall's Parish Church Grade B+

These buildings are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011.

10.64 In its response of 20th March 2020 based on the initial proposals submitted with the application, HED (Historic Buildings) advised that while it was content with the principle of development on the site, it had several issues with the development as proposed, as it was deemed to have an adverse impact on the setting of Listed Buildings in the vicinity.

10.65 The initial concerns raised by HED included the following:

1. The silhouette of the church spires is an important aspect of the setting character and will be compromised in the view from frontage walkway, as demonstrated by the illustrations in the submission, by the Block 1-2 (6 storeys).
2. The setting of the spires is compromised by the monolithic design of the leisure block (Block 10) as the elevation/form lacks texture/appropriate articulation and scale of massing is dominant in front of church spire to 1st Bangor Presbyterian as demonstrated by illustrations in the submission.
3. The modelling of the street elevation is compromised by the dominant roofscape 'pavilions' (Block 6) above the Queen's Parade skyline (Red Berry and neighbours), interrupting the scale of the wider setting.
4. Landscaping at McKee clock does not fully address it as a feature; HED would expect that the listed building would be a considered focal point in

the proposals and that the terracing design would encompass it in some manner.

5. No details of the B1 pavilions have been provided.

10.66 Following this initial response, discussions took place between HED, the Planning Department and the developer's team to establish how the scheme could be amended to address the above concerns in relation the listed buildings, but also to address various other design concerns raised by the Planning Department in terms of the impact of the development on the wider setting of the proposed ATC (see details set out below under PPS6 Addendum). Amended proposals along with an updated Design and Access Statement and updated photomontages were submitted to the Council for consideration on 29 July 2020.

10.67 The main amendments to the scheme were as follows:

- The height of block 2 (apartment block), was reduced from five to four storeys to reduce the overly dominant impact and obstruction of views of the church spire.
- An additional set back upper floor was added to the apartment building fronting Queen's Parade to provide balance to the internal courtyard massing.
- The design of the corner detail at the transition from Block 1 to Block 2 was amended and simplified.
- Re-design of the roofscape of Block 6 (office block) to omit the projected element housing roof access stairs and removal of heave banding along the office roofscape
- Re-design of the uppermost element of the hotel (Block 5) to reduce its massing and improve its relationship with the adjacent Fountain Centre and Methodist Church
- Re-design of the blank elevation fronting Southwell Road at the junction with Queen's Parade to include fenestration.

10.68 In its response of 8th September 2020 on the amended scheme, HED advised that it considered the resubmission had addressed several issues which were previously raised. HED also confirmed that it was cognisant of the previous permission on the site (W/2014/0456/F) which remains a material consideration and included consent for demolition of buildings on the site.

10.69 However, HED remained concerned regarding the impact of the following aspects of the development on the setting of the nearby listed buildings:

1. The proposed 'cinema' building would have a negative impact on the setting of 1st Bangor Presbyterian Church, when long views are considered.
2. While the upper floor of Block 6 (office block) has been revised to remove the heavy horizontal roof plane which is a betterment, plant is still shown additionally above this at a maximum height of 1m. Concerns were raised that this will be inadequate to house the required plant and that any larger housing will have an even greater adverse impact, failing to comply with the requirements of policy 6.12 of the SPPS and policy BH11 of PPS6. The

drawings in the submission are so faint as to appear to make this plant 'disappear' but, in reality, HED considers this will be highly visible, both on the hotel and on the Main Street block. The Main Street plant has a height noted of up to 2.2m. HED advise Council that this should be explored thoroughly in terms of townscape prior to determination, if it is minded to approve.

10.70 When considering the impact of the development on the setting of the listed buildings and, in particular, any potential negative impacts on the setting of 1st Bangor Presbyterian Church, it is important to consider what the historical view of the church would have been prior to the original buildings on the site being demolished. In this case, the original buildings on Queen's Parade would have been quite substantial three to four storey buildings. The historical photographs below show the original frontage onto Queen's Parade from two of the main viewpoints within the town centre. Both show a substantial built up frontage with the church spires visible to the rear. The CGI images of the proposed scheme below show that the spires will also still be visible above the proposed development and it is not considered that the views of the listed church spire will be adversely impacted upon to such a degree that would harm the setting of the building and warrant a refusal of planning permission.



Figure 40 – Photograph from Bangor Town Centre Masterplan 2011 (Bangor in 1898)



Figure 41 – Extract from Design and Access Statement – CGI Image (view across Marina)



Figure 42 – View of Queen's Parade (Postcard from 1955)



Figure 43 – Extract from Design and Access Statement– CGI Image (view from Mount Pleasant)

10.71 The previous approval for a similar mixed-use development on the site (W/2014/0456/F), is also an important material consideration. While this permission expired in July 2020, there has been no significant change in the planning policy context since then. The image below shows the proposed Queen's Parade elevation approved under the previous application. The large 'destination' building as it was referred to, is visible behind the frontage in the image and is shown in a similar position to the currently proposed cinema/leisure building. The top of the previously approved 'destination' building was proposed to sit 20.7m above the ground level on Queen's Parade while the highest part of the current cinema/leisure building proposed reaches only 18.4m above the Queen's Parade ground level. It is noted that HED raised no objections to this previous approval which remains a material consideration.

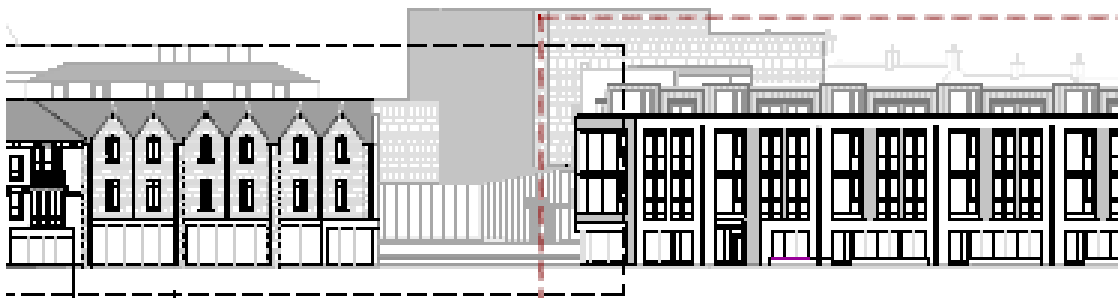


Figure 44 – Queen's Parade elevation approved under W/2014/0456/F

10.72 In its consultation response, HED also remained concerned about the proposed roof plant on the buildings within the development which was considered to be contrary to policy. HED raised concerns that the proposed heights shown on the submitted drawings would be inadequate to house plant and as the current plant arrangement is considered to have an adverse impact on the setting, anything of a greater height would be even more obtrusive and would fail to comply with the relevant policies. HED considered the plant to be highly visible, both on the hotel and on the Main Street block and advised Council that this should be explored thoroughly in terms of townscape prior to determination, if it is minded to approve. HED referred these matters to Council to determine in the context of the wider townscape setting.

10.73 The Council shared these concerns raised by HED given the substantial size of the proposed plant rooms and screens, particularly on the roof of the hotel and cinema, and discussions were held with the design team to investigate possible design solutions to reduce the impact of the various plant rooms. Following these discussions, amended plans were submitted on 18 December 2020 incorporating a number of design changes to the roof plant as follows:

- Hotel – The plant screening has been reduced by 500mm and the parapet roof raised by 300mm. This results in the plant screening being only 400mm higher than the parapet. Given the set back of the plant from the main elevations of the hotel, only a thin strip would now be visible above the parapet from long distance views. A taller boiler room will remain sitting

approximately 1.4m above the parapet wall however this is small scale at 18sqm and is set back 23m from the Queen's Parade elevation and 12m from the Market Place elevation and there it is not considered that it would result in any unacceptable visual impact.

- Cinema – The higher portion of the plant screening at the front of the building has been dropped in line with the ridge level of the auditorium volume so that the plant screen now blends with the roof of the building and will also be finished in the same metal rain screen cladding as the rest of the roof, thereby reducing its visual impact.
- Office Building – The architect has assured the Council that the plant room for the office building will be barely visible. One of the main views of the building is shown in the CGI image below in Figure 45. It was agreed that given the significant set back and comparatively smaller size of this plant room, no amendments would be required. The plant will only be seen from very long-distance views.

10.74 Approval would be subject to conditions stipulating that the height of the plant rooms and screens must not exceed that shown on the submitted plans and that no plant shall be installed until the final specification of materials and finishes for the plant rooms and screens have been agreed in writing with the Council.



Figure 45 – CGI image showing new office building to rear of The Red Berry Café



Figure 46 – Original proposed Queen’s Parade elevation showing roof plant on hotel and cinema buildings prior to amendments



Figure 47 – Amended Queen’s Parade elevation showing reduction in height of roof plant

Addendum to Planning Policy Statement 6: Areas of Townscape Character

ATC1 Demolition Control in an Area of Townscape Character

10.75 Policy ATC1 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. Consent will normally only be permitted for the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

10.76 When considering the impact of the demolition of a building within an ATC or Conservation Area, it is always useful to refer to the material factors for the demolition of unlisted buildings as identified in the Athletic Stores case. The Athletic Stores judgment ([2014] NIQB 21) outlines the range of considerations that should be taken into account in applying the policy. It is important that all material considerations which should be weighed against the presumption to retain buildings are properly considered in the planning judgement. The material factors to be considered are as follows:

- (i) The importance of the buildings
- (ii) The particular features of the buildings
- (iii) The setting of the buildings and the contribution they make to the area
- (iv) The extent to which the proposed works would bring substantial benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment which would decisively outweigh the loss from demolition
- (v) The merits of the alternative proposal
- (vi) The development preserves or enhances the character and appearance of the area

10.77 All of the buildings proposed for demolition were granted consent under the previous planning permission W/2014/0456/F with the exception of Nos. 5-8 Queen's Parade which the current applicant is seeking to demolish. It is noted that out of the buildings currently proposed for demolition, the only ones referred to in draft BMAP as key features within the proposed ATC are the remaining three storey Victorian terraces on Queen's Parade which would include Nos. 5-12 and 35-41 proposed for demolition.

10.78 In the assessment of the previous planning application, it was considered that the existing retail units on Main Street and the terrace of dwellings on King Street made no material contribution to the area. The dwellings on Southwell Road were considered to be reflective of many other buildings elsewhere along Southwell Road and within the wider area and were also not considered to make any particular material contribution to the distinctive character of the area. I would agree with the assessment in relation to these buildings. The buildings on Main Street are modern commercial buildings and make no positive contribution to the appearance of the area. The terraces on King Street are of very simple design with no architectural detailing of any significance and some are in a very poor state of repair.



Figure 48 – Existing buildings to be demolished on Main Street



Figure 49 – Terraced Dwellings on King Street

10.79 The dwellings to be demolished at the corner of Southwell Road and King Street, while not unattractive buildings, are not considered to make any material contribution to the appearance of the area which would warrant refusal of consent to demolish. The buildings have no particular architectural features of any significance and as outlined in the previous application, are of a relatively standard design similar to many others in the area. Consequently, it is considered that the demolition of these buildings would not harm the overall appearance of the proposed ATC.



Figure 50 – Dwellings at corner of Southwell Road and King Street

10.80 Further along Southwell Road at the corner with Queen's Parade, is a more significant two and a half storey building. In the assessment of the previous application, unlike the buildings referred to above, this building was considered to make a material positive contribution to the character of the ATC. The building is very much a feature of the corner with a curved canted bay at first and second floor finished with a conical slate roof. This attractive corner

feature is mimicked to a lesser degree on the building opposite which also marks the corner with a curved canted window at first floor. Read together, the buildings make an attractive feature at the entrance to Southwell Road. The curved corner features also seem to be a particular feature of this part of the town centre at the 'seaside' with other examples at the 'Red Berry Café' building at the bottom of Main Street and the two buildings at the bottom of High Street. The building also has ornate detailing around the window openings and projecting feature windows at first and second floor level.



Figure 51 – Building at corner of Southwell Rd and Queen's Parade



Figure 52 – Two buildings with attractive corner features at Junction of Southwell Rd/Queen's Parade

10.81 While this building was considered to make a material contribution to the ATC, other considerations had to be weighed against this in the assessment of the previous planning application. It was accepted that the demolition of the building was essential to facilitate the viable redevelopment and regeneration of the site. In particular, demolition of this building was required

to make way for the proposed multi storey car park which was to deliver parking for both the new development and replacement of the existing parking lost on the site and at Marine Gardens. Due to the sloping ground levels of the site and access requirements set out in the development plan, the car park had to be located on this particular part of the site. Therefore, without the demolition of the building to accommodate the provision of car parking for the scheme and the town, the redevelopment and creation of the public realm at Marine Gardens would not have been feasible. The proposed replacement building also incorporated a rounded corner feature to reflect the characteristics of the original building and mitigate against the impact of its loss, retaining the bookend feature at this end of Queen's Parade. While it is still considered that this building makes a material contribution to the appearance of the proposed ATC, as was the case with the previous application, this has to be weighed against all of the other material considerations of relevance to the current development proposal.

- 10.82 In order to enable a full assessment of the demolition of this building in the context of the current application, the Council asked the agent to submit a Demolition Report outlining the justification for demolition. The report was received on 29 July 2020. In the report, it is argued that the question of demolishing buildings within the site was considered by the Planning Appeals Commission (PAC) at the inquiry into the development scheme and intention to vest notice issued by DSD. The PAC concluded that whilst the development proposals for W/2014/0456/F would result in the loss of a number of unlisted buildings within the ATC, the objectives of the regeneration proposal could not be realised if the buildings were to be retained. With regard to the building at the corner of Queen's Parade and Southwell Road, the agent contends that if this building were to be retained, it would not be possible to create the scale of residential development proposed at this location and successfully tie the building into Blocks 1 and 2 to create a quality residential environment with the associated courtyard gardens. If the building were to be retained in its entirety it would also not be possible to provide the required access at this location. The architect has incorporated a corner bay feature into the design of the new building in an attempt to reflect the corner feature of the existing building and to mark the corner and provide a 'bookend'.



Figure 53 – Extract from site layout plan showing position of proposed access and proposed corner feature of building at Southwell Road/Queen's Parade.

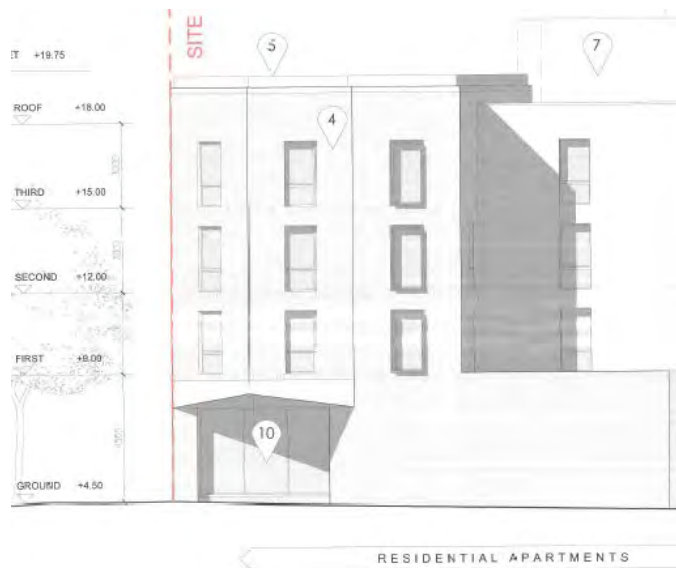


Figure 54 – Proposed corner feature at Southwell Road/Queen's Parade

10.83 The remaining buildings proposed for demolition on Queen's Parade (Nos. 5-12 and 35-41) are also highlighted as key features of the proposed ATC within draft BMAP. Under the previous permission, consent was granted for the demolition of Nos. 35-41 and 9-12 Queen's Parade. It was considered that these buildings made no particular contribution to the character of the ATC. I would agree with this assessment. Nos. 9-12 and 35-41 are shown in the images below. While it is acknowledged that these buildings contribute to the overall historic fabric of the town centre given their vintage, they are simple in form and typical of many of the older buildings prevalent within the

wider Bangor area rather than just being specific to the ATC. In addition, the buildings do not display any particular architectural features of any significance or which would be considered to be a special characteristic specific to the ATC. I also consider that unfortunately the setting of the buildings and any potential they may have had to contribute to the appearance of the ATC, has already been significantly compromised by the demolition of a substantial portion of the Queen's Parade frontage which has left a large gap in this important frontage for a considerable time now.



**Figure 55 – Existing Buildings at 35-41 Queen's Parade
Proposed for Demolition**



Figure 56 – Existing Buildings at 9-12 Queen's Parade

10.84 Nos. 5-8 Queen's Parade are also now proposed for demolition as part of the current application. These buildings are shown in the image below and are considered to make more of a contribution to the appearance of the ATC than the other buildings along Queen's Parade, due to their feature bay windows, the ornate detailing around the fenestration and the presence of the large chimneys defining the roofscape. In addition, when read together with the Methodist church and the Red Berry Café building, Nos. 5-8 contribute to an attractive group of buildings at this end of Queen's Parade which represent a significant part of the historic fabric of the town centre.



Figure 57 – Existing Buildings at 5-8 Queen's Parade Proposed for Demolition

10.85 During the PAD meeting held with the developer's team in February 2018, the Planning Department advised that the above buildings were considered to be of historic interest and that they did make a material contribution to the appearance of the proposed ATC. The agent does not dispute the visual contribution that these buildings make, however, they have advised that it is not possible for the developer to retain and incorporate the buildings into the scheme. It is argued that if the properties along Queen's Parade were to be retained, it would not be possible to create the scale of development proposed. It is argued that in retaining the buildings at 5-8 Queen's Parade, the previous scheme did not consider the backlands to the buildings which sit at a different level to Queen's Parade. In order to secure the maximum regeneration potential, it is not possible to retain the existing buildings. The agent has explained that if the buildings were retained it would not have been possible to achieve the necessary floor to ceiling heights for the hotel, nor would it have been possible to create Trinity Way and Trinity Square. The demolition of the buildings allows the hotel to be tied into the existing site levels providing a direct access to Main Street with no need for steps along Trinity Way. If the buildings were retained, the backland area would remain as an under-utilised brownfield area rather than being transformed and being part of a series of vibrant, active public spaces. Taking all of these considerations into account, it is considered that the loss of the buildings at 5-8 Queen's Parade would be outweighed by

the benefits of providing maximum regeneration potential for the site, along with the provision of good permeability from Main Street to Queens Parade and high-quality public spaces. While the existing building exhibits some attractive features on its front façade, the high-quality design and materials proposed for the new hotel building will result in the creation of a new attractive feature building along Queen's Parade which is of its time and therefore will not result in any harm to the overall appearance of the proposed ATC. It is also material to the assessment that none of the buildings in question have met any of the criteria for listing.

- 10.86 The agent highlights that Queen's Parade has already been the subject of significant demolition works which have left large gaps in the street frontage and have had a blighting effect on the character of the urban waterfront. I would agree with this observation and also consider that the large gap in the frontage has lessened the potential contribution of the remaining buildings to the proposed ATC as their position and setting within a group or terrace of buildings has been damaged. The agent has also highlighted that the buildings proposed for demolition represent only 0.03% of the building stock within the proposed Bangor Central ATC. This small percentage is of relevance when considering the caselaw of the South Lakeland case which established that the impact of a development must be considered in the context of the designation as a whole, rather than just a particular part of a Conservation Area or ATC.
- 10.87 As established in the Athletic Stores case, it is also important to consider the extent to which the proposed works would bring substantial benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment which would decisively outweigh the loss from demolition. Queen's Parade is recognised within draft BMAP as a Development Opportunity Site. Over the last 20 years, the lands have been identified by DSD, now DfC, and the site has been assembled at a cost of c£9m, as a priority site for intervention which has been pursued by way of the development scheme and vesting notice. Significant public funds have been expended in acquiring the land necessary to bring forward a development scheme which is now the basis of this current planning application. The proposal being pursued by the applicant is a £50m regeneration project which, it is estimated will sustain 100 full time construction jobs per annum over the 4.5 year build out period and 700 jobs once operational. Notwithstanding the economic benefits of the proposal, the overall quality of the urban environment will be significantly improved through the redevelopment scheme which will result in the removal of a blight and years of dereliction.
- 10.88 The proposals also evolved through extensive engagement with the local community and key stakeholders as outlined under the consideration of the pre application consultation process. The feedback received from the public demonstrated support for the project vision and its objectives along with a general appreciation that existing buildings within the site needed to be demolished if the development potential for the entire site was to be realised.
- 10.89 The consideration of the merits of alternative proposals is another material factor to be considered. The development scheme previously approved in 2015

was generated on the basis of feedback received from the public and key stakeholders over a six month period by testing a series of five options. The options set out the impacts of different levels of demolition and explained the consequences this would have delivering the regeneration objectives for the site.

10.90 In weighing up all of the material considerations, it is important to highlight that draft BMAP makes reference to the role of DSD, now DfC, in the delivery of regeneration objectives for Bangor Town Centre with the purpose of maximising the opportunity for physical, economic and social development – the same principles enshrined within the SPPS in terms of sustainability. Within the meaning of these broad objectives the draft Plan further states:

‘ DSD is committed to promoting a vital and viable town centre for Bangor by helping it to adapt to changing circumstances and helping to maximise the contribution it makes to the prosperity of Northern Ireland.’

To facilitate this:

‘... ... DSD will promote administrative arrangements that help to achieve better management and strategic planning for Bangor Town Centre; the development of a vision for the future; and a partnership approach involving all those in government, local authorities and the private sector who have an interest in the success of Bangor Town Centre.’

10.91 The draft Plan notes that Development Schemes prepared by DSD are a material consideration to be taken into consideration at the planning application stage. It is in this context, alongside all of the other material considerations assessed above, that I consider that the demolition of all of the identified buildings is required to meet the greater public interest and to achieve the status of the town envisaged within the Regional Development Strategy. The key features of the buildings to be demolished have been carefully scrutinised and the proposal’s design has taken cues from these features and reflected them within the design put forward.

ATC2 New Development in an Area of Townscape Character

10.92 Policy ATC2 states that development proposals in an Area of Townscape Character will only be permitted where the development maintains or enhances its overall character and respects the built form of the area. Any trees, archaeological or other landscape features which contribute to the distinctive character of the area will be required to be protected and integrated in a suitable manner into the design and layout of the development.

10.93 Policy ATC2 of APPS6 applies only to designated ATCs and not to proposed ATCs. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is not possible to assess the impact of the development on that character. However, regardless of the lack of a policy context, the impact of the development on the overall character of

the proposed ATC remains a material consideration and can still be objectively assessed.

10.94 Whilst draft BMAP included Key Design Criteria for Areas of Townscape Character, the Planning Appeals Commission in its report into objections to the draft Plan considered it difficult to see how a list of 24 criteria could possibly capture the diversity of character found within the areas designated through the Belfast Metropolitan Area. It also referenced concern that the restrictive nature of the criteria in some areas could inhibit regeneration, could make schemes unviable or would fail to make more efficient use of urban land. Whilst the Regional Development Strategy makes it clear that increased densities should not be interpreted as a broad mandate for overdeveloped or unsympathetic schemes. The PAC concluded that this rigid set of criteria could represent a barrier to acceptable redevelopment or regeneration schemes coming forward. In its final recommendations, the PAC specified a detailed character analysis be undertaken and a design guide produced for each Area of Townscape Character as supplementary guidance to the Plan. In the absence of such character appraisals the Council can only objectively assess the impact of the proposed development on the general appearance of the area, rather than the impact on any distinctive character of the area.

10.95 Whilst the precise character of the ATC cannot be defined at this point given the lack of a specific detailed character analysis, the design of the scheme can still be assessed against the context of the surrounding built form. The proposed ATC covers a large area extending from the Belfast Road to Victoria Road in the north and Broadway in the east. Within this large ATC there is a wide variety of different built forms and architectural styles from various eras ranging from the more historical Victorian buildings, inter war buildings, late 20th century buildings and contemporary buildings. For Conservation Areas, case law (*South Lakeland District Council v Secretary of State for the Environment* (1992)) has established that it is the effect on the character and appearance of the Conservation Area as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area can be achieved by a development which leaves this unharmed, i.e. the 'no harm' test. It is established planning practice to apply this interpretation of policy in the assessment of proposed developments within ATCs, considering the effect on the area as a whole rather than just the effect on a particular part of the ATC. In the absence of any guidance for Bangor Central ATC, the impact of the development on the appearance of the proposed ATC as a whole must therefore be considered.

10.96 There are some fine examples of Victorian, Edwardian and Inter War architecture within the immediate vicinity of the site including the residential terrace on Queen's Parade to the north west of the site, the Red Berry Café building at the corner of Main Street/Queen's Parade and the Royal Hotel building as shown in Figure 58 below. Draft BMAP also provides a list of key features within the Main Street/High Street/Queen's Parade/Quay Street area. Equally however, there are also many examples of more modern buildings both within the immediate vicinity of the site and within the proposed ATC as a whole. Figure 60 below shows several examples of these on Main

Street. While these buildings are very different to and may not be as attractive as the historical buildings, they nevertheless form part of the established built form and appearance of the area and it is this varied context in which the proposal must be assessed as to whether or not it would cause harm to the overall appearance of the area.



Figure 58 – Examples of fine historical architecture in vicinity of site

Main Street / High Street (including Queen's Parade, Bridge Street and Quay Street)

- Late Victorian properties on Main Street together with a number of listed Georgian, Victorian and inter-war buildings, set back from the building line, adding further interest to the streetscape;
- Views over the Bay from High Street and Main Street;
- Late Victorian buildings on High Street, including several three storey, highly decorative buildings, closing the junction of High Street and Bridge Street;
- Two distinctively curved corner buildings, dating from the 1860's on each side of High Street;
- The square rubble stone tower of the seventeenth century Customs House at the north end of Quay Street, reputedly the oldest intact building in Bangor;
- Victorian, Edwardian and inter-war buildings in Quay Street, including the former Belfast Bank (1860); Windsor Bar (1900); the Royal Hotel (1934); and
- The Methodist Church (1890) and a number of original three storey Victorian terraces on Queen's Parade.

Figure 59 – Key features listed in Draft BMAP for area of proposed ATC relating to site



Figure 60 – Examples of modern architecture on Main Street

10.97 As explained in the above consideration under PPS6, the Council raised a number of concerns in relation to the design of the original submission and its potential adverse impact on the townscape setting and appearance of the area. The primary concern was the additional floor on the section of the apartment block facing Market Square (as indicated by red arrow in Figure 61 below). The overall height and massing of this block was considered to be excessively dominant and was considered to give an imbalanced appearance when viewed in the context of the lower height of the hotel on the opposite side of Market Place. In response to the Council's concerns, the additional floor facing Market Place was removed, as shown on the revised CGI image in Figure 62 below. However, as a result of this, only one residential unit was lost as an additional set back floor was added to the block facing Queen's Parade to compensate for the units lost (also shown in Figure 62 below). This addition was considered to be acceptable within the townscape setting as given its set back of 8m from the Queen's Parade elevation, it would not appear dominant and the additional height also provides a better sense of balance with the height of the hotel.



Figure 61 – CGI image of original submission showing additional floor on apartment block facing Market Place.



Figure 62 – CGI image showing amended scheme with top floor facing Market Place removed and replaced with additional floor fronting Queen's Parade

10.98 Another concern raised by the Council was the massing and height of the office block and its resulting dominance which will be visible protruding above the Red Berry Café building. The Council emphasised that the buildings on Queen's Parade should remain predominant and that any new buildings to the rear should appear subordinate or at least follow the established built form which rises up gradually along Main Street. The agent advised that it would not be possible to reduce the height of the office building as the developer requires a certain amount of office floor space. Instead, the architects amended the design to provide a simplified more lightweight glazed approach with finer parapet detailing to reduce the bulky appearance. Two elements on the roofs of the office building and the hotel as indicated by the red arrows in figure 63 below were also removed again to reduce the bulk on the roof and to provide a more streamlined appearance.



Figure 63 – CGI image of original submission showing hotel and office building to the rear



Figure 64 – CGI image showing amended roof treatment to office block and hotel

10.99 The CGI images submitted were taken from identified critical viewpoints from within the proposed ATC. The main critical views of the development will be from Queen's Parade itself and from Bridge Street and Quay Street. The images in figure 65 below show the existing and proposed

views of the site from Bridge Street. From this view, the height of the buildings does not appear overly prominent or out of keeping within the site's context. While the scale and massing of the buildings are larger than the majority of nearby buildings, the colours proposed for the finishes are light and subtle in keeping with the existing buildings and the rhythm and vertical emphasis of the fenestration also reflects the strong vertical emphasis displayed on the more traditional buildings, all of which will enable the new buildings to satisfactorily integrate with the existing built form. It is considered that the proposed design will reflect a fresh contemporary image much needed for this unique and special site and this is much more preferable to an alternative pastiche design which would run the risk of appearing very bland and uninteresting. The outline of one of the two proposed 'Pavilion' buildings to be located within the Marine Gardens area is also visible in the proposed CGI image. The developer is unable to provide any detailed design specifications for these 'Pavilion' buildings at the current time. However, it is confirmed that their end use will be for food and beverage and any planning approval forthcoming would be carefully conditioned to stipulate that the height and floorspace of the buildings shall not exceed that shown on the submitted plans and that construction of the buildings shall not commence until details of the design and finishes have been submitted to and approved by the Council. A particular concern with the final design of these buildings will be the screening of plant and storage as given their location within the public realm area they will be very open and visible from all sides. This will need to be very carefully considered in the final design.



Figure 65 – Existing and proposed views of site from Bridge Street

10.100 The new office building on Main Street will replace existing flat roof modern buildings and its built form and design will therefore not be out of keeping in the street with similar flat roofed buildings also adjacent. The existing buildings to be replaced are not terribly attractive and it is therefore considered that the new building will not harm the appearance of this part of Main Street. Whilst the new building will be a floor taller than the other buildings on Main Street, and this additional height was raised as a concern with the agent, the developer is unable to remove this as it is argued that a certain amount of office space is required in order to make the scheme viable. However as outlined previously, it is anticipated that any dominant impact of this additional height should be offset by the set back of the top floor from Main Street.



Figure 66 – Proposed Main Street elevation

10.101 The new apartment building on Southwell Road will display some characteristics similar to many of the more traditional buildings within the proposed ATC including vertical bay features and gables on the upper floor. The building will be taller than the existing buildings on the street however it is considered that this is acceptable given the location at the end of Southwell Road at the corner with Queen’s Parade. The finishes of the building will include facing brickwork and self-coloured render. The exact colour and specification of the brick will be conditioned to be agreed prior to commencement of development.



Figure 67 – Proposed Southwell Road elevation



**Figure 68 – Proposed cinema/destination building
(reduced roof plant height not shown in this image)**

10.102 The proposed cinema building which will occupy a central position within the development will sit at an elevated position above Queen's Parade fronting onto the raised Market Square. However, the building will not appear overly dominant within its setting as its ridge height will actually sit below those of the adjacent apartment building and hotel building. Given its central position within the site, the building will be largely concealed from wider views from within the proposed ATC, with the exception of the main view from the area immediately to the front of the building in Market Place and Marine Gardens on the other side of Queen's Parade. The materials proposed for the building comprise, reconstituted stone cladding, fibre cement rainscreen cladding and metal rain screen cladding. Similar to the brick for the development, the final specification and colour of these materials will be conditioned to be agreed with the Council prior to the commencement of development. The contemporary design approach for this building is also similar to that of the destination building approved under the previous application.

10.103 In summary, taking account of all of the above factors, it is considered that on balance, the development will not harm the appearance of the proposed ATC as a whole. The site is at a key location within the town centre and has unfortunately been left undeveloped now for many years with extensive demolition having already taken place and the remaining buildings being in poor condition, taking away from the most attractive features of the ATC. The overall quality of the public realm to be created will enhance the setting of this whole section of the ATC. Instead of fronting onto an extensive hard surfaced car park, historic buildings will have a greatly enhanced aspect and setting of a well laid out and landscaped area of open space.

Planning Policy Statement 7: Quality Residential Environments

Policy QD 1: Quality in New Residential Development

- 10.104 Policy QD1 states that all proposals for residential development will be expected to conform to all of the criteria outlined below.
- 10.105 **(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.**

The Impact of the development as a whole on the surrounding context within the proposed ATC, including the residential elements of the scheme, has been considered in detail above under Policy ATC2. Policy QD1 also requires that in Conservation Areas and Areas of Townscape Character, housing proposals will be required to maintain or enhance their distinctive character and appearance. To maintain the character or appearance means that the development should cause no harm. The residential elements of the mixed-use scheme are in two locations within the site. 12 duplex residential units containing two apartments in each unit are proposed on King Street and will replace the existing dilapidated terrace on the site. The scale and proportions of the block replicate the existing terraced pattern of development that strongly characterises King Street. The new terrace at two and a half storeys, will be slightly taller than the existing terrace but not so tall as to appear overly dominant in the streetscape as it will mirror the two and a half storey dwellings on the opposite side of the street. The roof line will step down with the sloping gradient of King Street towards Southwell Road. The vertical emphasis of the first floor windows also reflect the existing terraces and will continue the strong architectural rhythm these create along the street. Finishes including facing brick and fibre cement slates will respect the context. The brick specification and colour can be conditioned to be approved prior to the commencement of development.



Figure 69 – Proposed terrace of duplex apartments on King Street

The second residential element of the scheme comprises a complex of two blocks of apartments. The smaller of the two blocks will front onto Southwell Rd and will be four storey (fourth storey set back) containing 32 apartments. The second larger block will be 'L' shaped, fronting Queen's Parade and then turning to front the new Market Place within the development. The ground floor

of this block fronting Queen's Parade and the new Market Place will be occupied by retail and food and beverage units and will also contain public toilets and the lift for access from Queen's Parade to Market Place. This larger block will contain 81 apartments and will be 5 storey fronting onto Queen's Parade (fifth storey set back with the exception of the corner feature) and four storey fronting onto the raised Market Place.

As already explained in the above consideration, this residential block has very much been designed to reflect the bay elements of the more traditional Victorian terraces which are very characteristic of Bangor. It is considered that higher density apartments are the most appropriate form of residential development for this town centre location. The four to five storey height of the buildings is also considered to be acceptable given the prominent position of the Queen's Parade frontage within the town centre and the proposed aspect onto an expansive area of open space which is a setting that has the capacity to absorb taller buildings. The 'L' shaped block will address the corners of both Queen's Parade/Southwell Road and Queen's Parade/Market Place with bay corner features which will act as bookends at both ends of the block. A pitched roof to be finished in fibre cement slate is proposed to the fourth floor of the elevation facing Queen's Parade which will provide variety to the roofscape of the development and will reflect the roofscape of the more traditional buildings within the area. The set back fifth floor will be finished in a grey tone of fibre cement rain screen cladding to also reflect the darker colour of the roofs of the traditional buildings and to help it blend in as part of the overall roof structure. The elevation will also feature inset balconies enclosed by fine painted metal balustrades. The balconies are considered to be particularly acceptable here as residents will be able to take advantage of the views across the bay.



Figure 70 – Photomontage showing roof design and proposed finishes of residential block fronting Queen's Parade

The palette of materials for the residential blocks will include facing brick, reconstituted stone cladding and self-coloured render. The final specification

and colour of the facing brick can be conditioned to be approved prior to the commencement of development however it is anticipated that it will be light coloured brick with warm hues to blend sympathetically with the lighter colours of the traditional buildings lining the bay.

The proposed block fronting Southwell Road has also been designed to reflect the features of the more traditional buildings. The bay features have been continued on the front elevation of the building along with front facing gable features to the roof similar to those found on numerous other buildings within the ATC as shown in Figures 71 and 72 below. The building will have a maximum height of 17.5m. While this is higher than the buildings approved along Southwell road under the previous application, which had a maximum height of 14.8m, the upper floor of the proposed building will be set back 1.5m which will help to reduce any dominant impact of this additional height on the street. The main elevation of the building fronting the road will be 11.1m in height which is comparable to the height of other existing buildings on the street. The corner of the building at King Street has been designed to incorporate a small bay feature with windows similar to the adjacent building on the opposite side of King Street to address the corner.



Figure 71 – Site of proposed apartment block on Southwell Road



Figure 72 – Proposed apartment building on Swallow Road shown in context of existing buildings



Figure 73 – Example of existing buildings with gable roof projections

10.106 (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 potential impact of the redevelopment scheme as a whole on features of archaeological importance has been considered above under policies BH2, 3 and 4 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and found to comply with all policy requirements subject to conditions. The impact of the development as a whole on features of built heritage importance has also been considered in conjunction with HED and the assessment set out above under policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. With regard to landscape

features, the existing trees along the southern side of Queen's Parade will be retained as these are an attractive feature along this stretch of the street. The majority of the existing trees within the Marine Gardens car park will be removed and replaced by a new comprehensive landscaping scheme appropriate to the proposed public realm area.

10.107 (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;

Policy OS2 of Planning policy Statement 8: Open Space, Sport and Outdoor Recreation, deals specifically with public open space in new residential development which will be assessed in the consideration below. With regard to private open space, the policy advises that this can be in the form of gardens, patios, balconies or terraces depending on the characteristics of the development and the surrounding context. For apartment developments, the policy advises that private open space may also be provided in the form of communal gardens where appropriate management arrangements are agreed.

The proposed development will provide a variety of private open space for the apartments. The ground floor duplex units on King Street will each have a private yard area to the rear of around 9sqm and a separate enclosed bin store. The upper floor duplex units will each have a small roof terrace of around 17sqm also with a separate enclosed bin store at ground floor. This amount of private amenity space is considered to be acceptable for these small one and two bed units within the town centre location. Creating Places recommends a minimum of 10sqm per unit so the proposal would be in line with this when the separate bin stores are included.



Figure 74 – Private communal open space proposed for apartments

The 113 apartments within the two larger blocks will benefit from a private communal area of open space which will be landscaped and include space for a small play area. This communal area will equate to just over 10sqm per unit. In addition to this, each apartment will have a private balcony. Given the town centre location and the generous public open space provision proposed, the amount of private amenity space to be provided is considered to be appropriate. It is proposed that the residential courtyard will be managed and maintained by the developer. As no detailed proposals for the management and maintenance of the area in perpetuity have been submitted with the application, any approval will be subject to a condition requiring these details to be submitted to and approved by the Council prior to the commencement of development.

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

The site is located in the town centre therefore there are adequate existing facilities.

10.109 (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 site's town centre location local shops and services will be within walking distance. As outlined above under PPS3, the site is located adjacent to the National Cycle Network (NCN) Route 93 and parking for bicycles will be provided within the development. Level access to the apartments is provided with lifts in each block. Both Bangor bus station and train station are within walking distance of the site and traffic calming measures are proposed on Queen's Parade.

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

Parking provision for the redevelopment scheme as a whole is considered in detail above under PPS3.

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

The design of the development has been assessed in detail in the above consideration against the policies contained within the Development Plan the SPPS, PPS6 Planning, Archaeology and Built Heritage and PPS6 Addendum Areas of Townscape Character.

10.112 (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 mix of uses proposed for the site will complement the existing adjacent uses and given the town centre location, a wide variety of uses are already

characteristic of the area. The scheme has been carefully thought out and designed to ensure that none of the proposed uses will conflict with any of the uses immediately adjacent to the site.

Residential development is proposed on both King Street and Southwell Road to ensure that the primarily residential character of these streets is respected. As the proposed terrace on King Street will replace an existing row of terraced dwellings, there will be no unacceptable increase in the level of overlooking as a result of the development. While there will be kitchen windows at first floor level which will have the potential to increase the level of overlooking towards the existing dwellings on the opposite side of the road, this is not considered to be an unacceptable relationship in a town centre setting where apartments and flats with upper floor living rooms and kitchens looking out onto a public road are a common feature.

On Southwell Road, the proposed block of apartments will be positioned immediately opposite six existing dwellings at Nos. 4-12 Southwell Road. Nos. 4, 4a, 6a and 6 Southwell Road are two storey dwellings while Nos. 10-12 are larger two and a half storey dwellings. It is acknowledged that the overall height, scale and massing of the new block will be significantly greater than the existing buildings on the site and that as apartments are proposed, there will be living room windows on the upper floors of the buildings which may have the potential to increase the level of overlooking towards the existing dwellings on the opposite side of the street. However, it is considered that the separation distance of 14-18m between the opposing front elevations of the existing and proposed buildings will provide adequate mitigation against any unacceptable adverse impact with regard to overlooking or loss of privacy, particularly given the inner urban town centre location where more compact, higher density forms of development are to be expected and encouraged. Due to the location of the proposed apartment building to the north east of the existing dwellings on Southwell Road, there will be no unacceptable degree of overshadowing as the existing dwellings will still benefit from direct sunlight for the most part of the day. The previous planning permission for the site is also a material consideration as it already established the principle of a similar scale of apartments at this location. It could also be argued that the current proposal represents a betterment in terms of amenity as the main access to the development has been repositioned closer to the junction with Queen's Parade meaning that it will no longer sit immediately opposite the dwellings at 4-6 Southwell Road thereby reducing the impact of noise and general disturbance of vehicles entering and exiting the development. Furthermore, the new development will greatly enhance the overall appearance of the street as well as helping to deter crime and anti-social behaviour on what is currently a derelict site which in turn will improve the overall amenity of existing residents.

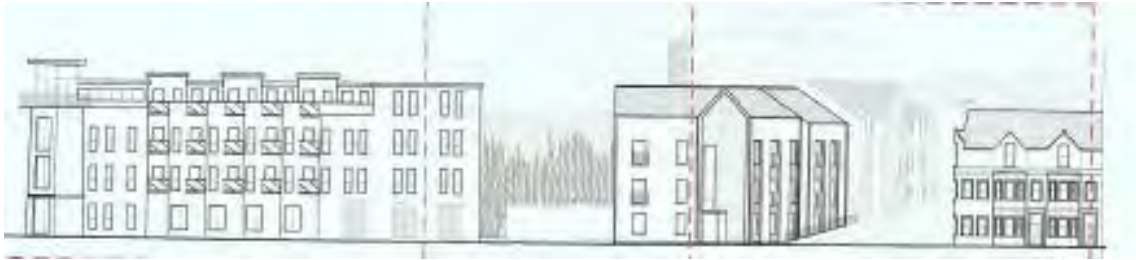


Figure 75 – Apartment development at Southwell Road approved under W/2014/0456/F



Figure 76 – Proposed Southwell Road elevation for current application



Figure 77 – Access position on Southwell Road approved under W/2014/0456/F and access position proposed under current application

There will be no significantly greater impact on the remaining existing properties at the junction of Southwell Road/Queen’s Parade. While there appears to be some residential accommodation on the upper floors of the building opposite the site, there is already a degree of overlooking between the upper floor windows of the two buildings and the previous permission also established the principle of a four story building at this location.



Figure 78 – Relationship between existing buildings on Southwell Road with opposing upper floor windows

Within the development itself, there will be a good degree of separation between the proposed apartment blocks which will all have an aspect out onto a private courtyard area. The apartments on King Street and a number of the apartments fronting onto Market Place will be in close proximity to the proposed cinema/leisure building; however, Environmental Health have carefully assessed the potential impact of noise and disturbance from this building and are satisfied that there will be no unacceptable adverse impact on the dwellings by way of noise or disturbance, subject to conditions. The apartments on King Street will also have the physical buffer of the access road and parking between them and the cinema/leisure building to help mitigate against any unacceptable noise levels. As servicing for the existing properties on Main Street is already facilitated via the Vennel off King Street, it is not anticipated that the continued use of this access for servicing will result in any significantly greater impact by way of noise or general disturbance to either existing or proposed residential properties. The majority of properties immediately adjacent to Vennel are also already in commercial use so the potential for an adverse impact on existing residential properties is low.

In summary, the overall layout and design of the scheme has been well considered and will not result in an adverse effect on the amenity of existing dwellings.

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

I am satisfied that the development has been designed to deter crime and promote personal safety. All areas of open space will be well overlooked by the buildings within the scheme and the residential courtyard for the apartments will be gated and secure.

Planning Policy Statement 8: Open Space, Outdoor Sport and Recreation

Policy OS1 Protection of Open Space

10.114 The existing areas of public open space adjacent to the Marine Gardens car park will be retained as open space and incorporated into the overall layout for the new public realm area.

Policy OS2 Public Open Space in New Residential Development

10.115 The policy requires that for residential developments of 25 units or more, public open space must be provided as an integral part of the development. In total, 1.62 hectares of public open space will be created as part of the overall redevelopment scheme. This includes the large public realm area at Marine Gardens and the Market Place square within the heart of the redevelopment scheme on the southern side of Queen's Parade. The 1.62 hectares will be well in excess of the normal expectation of a provision of around 10% of the total site area. The policy also requires that an equipped play area is provided for developments with more than 100 units. A play area is proposed at the western end of Marine Gardens and there is also ample room for the provision of a smaller play area within the private communal open space for the apartments.

10.116 The policy advises that planning permission will not be granted until the developer has satisfied the Department that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy. Acceptable arrangements include:

- a. a legal agreement transferring ownership of and responsibility for the open space to the local district council; or
- b. a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or
- c. a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.

A plan indicating how the various areas of open space which will be managed and maintained has been submitted. This proposes that The Vennel, Trinity Way, Market Place and Trinity Square will all be maintained by the developer and will remain open for public access 24 hours seven days a week. The new public realm area at Marine Gardens is to be maintained and managed by the Council. The implementation of the public realm works by the developer would be secured through the developer agreement therefore it is not considered necessary to impose a planning condition in this respect. Finally, the residential courtyard and associated residential parking areas are to remain private and will be managed and maintained by the developer. A detailed management and maintenance plan for all areas of open space will

be conditioned to be submitted to and approved by the Council prior to the commencement of development as no details have been submitted with the application.

10.117 The proposed public open space will conform to all the criteria set out in the policy. It is designed in a comprehensive and linked way as an integral part of the development and is of demonstrable recreational and amenity value. It has been designed to be multi-functional with the capability of carrying out many different types of activities and hosting events. The communal open space for the apartments provides easy and safe access for the residents that it is designed to serve. The design, location and appearance take into account the amenity of nearby residents and the needs of people with disabilities; and it retains important landscape and heritage features such as the McKee Clock.

10.118 The steps leading from Queen's Parade up to Market Place have been designed to be a key feature of the development in that they will not only provide access but an opportunity for informal recreation as a place to stop and take in the sea views. It is proposed that the use of a lighting strategy will reduce the need for formal handrails and barriers. The Market Place is a central square in the heart of the development, similar in size to St Anne's Square in Belfast. This space will be used to accommodate markets, fetes and other outdoor community activities. Marine Gardens will include:

- a waterfront plaza offering views across the water
- terrace lawns and gardens which can be used as informal recreational spaces or to host formal public events.
- An enhanced promenade with canopies and landscaping incorporated to allow for year-round weather protection
- The introduction of kiosks and canopies to provide space for pop up events, exhibits and experiences

Planning Policy Statement 15 (revised): Planning and Flood Risk

Policy FLD 1 Development in Fluvial and Coastal Flood Plains

10.119 The site is bound at the west by a culverted watercourse, which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known as 'Clandeboye Stream'. The site is also traversed at the north east by a culverted watercourse, which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known as 'Ward Park Stream'.

10.120 The policy states that the development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The Planning Department is content that the proposed development meets the exceptions test of policy FLD1.

10.121 While the majority of the existing Marine Gardens car park falls within the 1 in 200 year coastal flood plain, given that the land is already developed (predominantly hard surfaced) and that the proposed use is for outdoor

recreational space (the majority of which is to be grassed), it is considered that the proposal would constitute a betterment to this area and that it would qualify as an exception under criterion F of policy FLD1 - *'The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.'*

- 10.122 The similar development approved under the previous application W/2014/0456/F which expired only recently on 19 July 2020, was also considered to be an exception under FLD1. This also proposed an outdoor recreation/amenity open space area within the existing car park including ancillary structures and small kiosks. The main difference with the current scheme is the addition of the two pavilion buildings within the area, one of which would sit outside of the flood plain. DFI Rivers has reviewed the submitted Flood Risk Assessment prepared by RPS and is content.

Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure

- 10.123 It is essential that an adjacent working strip is retained along the watercourses on the site to facilitate future maintenance by DFI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

Policy FLD 3 Development and Surface Water Flood Risk Outside Flood Plains

- 10.124 NI Water has advised that there is no public storm sewer available which can serve the proposal. As such the developer was required to liaise with Rivers Agency to ascertain if discharge would be possible to any local watercourses. If this option was not deemed viable, the alternative is to requisition NI Water to provide a suitable storm outfall sewer. In the initial Drainage Assessment submitted with the application, the developer presented two potential solutions for a new surface water drainage network to drain surface water from the proposed development; discharging to the local DFI Rivers culvert infrastructure in accordance with the Schedule 6 Consent to discharge or alternatively discharging via a new storm outfall to Bangor Marina (subject to agreement with NIEA). The applicant's preference would be to pursue a new outfall to the Marina, as it is believed this would present considerable betterment to the local DFI Rivers and NI Water sewer infrastructure; however, such a proposal would require considerable detailed design and agreement with the relevant stakeholders including DFI Rivers, NI Water and NIEA, all of which would take a considerable time. Therefore, the developer has adopted the more conservative approach and has obtained a Schedule 6 agreement based on the perceived worst-case option, whereby the proposed surface water drainage solution would see a controlled discharge (with an associated attenuation system) from the proposed development to the existing DFI Rivers culvert infrastructure. The Schedule 6 Consent was issued by Rivers Agency on 16 September 2019 and consented discharge at a greenfield runoff rate to Ward Park Stream and Clandeboye Stream.

Following the submission of detailed drainage design calculations and a layout, DFI Rivers Agency has confirmed that while not being responsible for the preparation of the Drainage Assessment, it accepts its logic and has no reason to disagree with its conclusions subject to the following condition:

‘Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.’

Policy FLD 5 Development in Proximity to Reservoirs

10.125 This policy specifies that new development will only be permitted within potential flood inundation areas of a controlled reservoir if:

- The applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed;
- The application is accompanied by a Flood Risk Assessment (FRA) which demonstrates:
 1. An assessment of the downstream flood risk in the event of a controlled release of water, an uncontrolled release of water due to reservoir failure, a change in flow paths as a result of the proposed development; and
 2. There are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.

10.126 For all development Policy FLD 5 concludes that there will be a presumption against development within the potential flood inundation area for any development located in areas where the FRA indicates potential for an unacceptable combination of depth and velocity.

10.127 DFI Rivers reservoir inundation maps indicate that the site is in an area of inundation emanating from Clondeboy Lake, Ballysallagh Upper Reservoir and Ballysallagh Lower Reservoir. DFI Rivers is in possession of information confirming that Ballysallagh Upper & Ballysallagh Lower impoundments have ‘Responsible Reservoir Manager Status’. Consequently, DFI Rivers has no reason to object to the proposal from a reservoir flood risk perspective in relation to these two reservoirs. It has not, however, been demonstrated to DFI Rivers that the condition, management and maintenance regime of Clondeboy Lake is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5.

10.128 DFI Rivers has also carried out an assessment of flood risk to people at this site (*based on the Defra / Environment Agency’s “Hazard to People Classification using Hazard Rating”*) for an uncontrolled release of water emanating from Clondeboy Lake should it occur. As a result of this analysis,

the overall hazard rating at this site is considered high. This is therefore considered by DfI Rivers to be an **unacceptable** combination of depth and velocity for this particular development proposal.

- 10.129 In Technical Guidance Note 25, produced by the Department for Infrastructure and entitled “The Practical Application of Strategic Planning Policy for ‘Development in Proximity to Reservoirs’”, dated June 2020, it is noted that the advice which DfI Rivers provides to planning authorities is a material consideration and the relevance and weight to be applied to it is a matter for the planning authority as decision maker.
- 10.130 Policy FLD 5 of PPS 15 was introduced in the review of PPS 15 as revised in September 2014. The Reservoirs Act (Northern Ireland) 2015, when fully commenced, will provide a proportionate regulatory framework for the maintenance and management of controlled reservoirs in order to protect people, economic activity, the environment and cultural heritage from flooding caused by an uncontrolled release of water due to reservoir failure. The introduction of this regulatory framework is dependent upon the commencement of relevant sections of the Reservoirs Act and the making of subordinate legislation.
- 10.131 DfI Rivers has recently updated Councils in respect of the background to and update on the Transfer of Functions Order which is currently with the Executive Office. It is intended that the Order will be taken through the requisite Assembly processes by mid-December 2020. This will have the outcome of transferring responsibility for reservoirs from DAERA to DfI. Once DfI has the authority to do so it will seek to take forward the various legislative process steps in order to implement the Reservoirs Act and the safety regime envisaged by it. It is envisaged that it will entail a longer period of time to introduce the regime to impose the onus on owners of reservoirs to comply with their obligations as set out within the Act. DfI will have oversight and enforcement responsibilities and capabilities.
- 10.132 The definition of a controlled reservoir is provided by section 1 to 5 of the Reservoirs Act. These sections have commenced and provide that a controlled reservoir is any structure or area that is capable of holding 10,000m³ of water, or more, above the natural level of any part of the surrounding land.
- 10.133 The SPSS alongside the provisions of Policy FLD 5 of Revised PPS 15 provides that new development will only be permitted within the potential flood inundation area of a controlled reservoir if the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, and the developer provides a flood risk assessment which includes, inter alia, an assessment of the downstream flood risk, including flood water depth, velocity and flow path issues.
- 10.134 Whilst there is no/insufficient evidence provided by the applicant regarding the condition etc., of Clandeboye Lake, an assessment of flood risk has been carried out and as stated Rivers Agency considers that the overall hazard

rating at this site is considered high. This is therefore considered by DfI Rivers to be an **unacceptable** combination of depth and velocity for this particular development proposal.

10.135 As stated above, a consultation response is one of many material considerations (including the previous approval which only expired in July 2020) to be balanced in the assessment of any planning proposal. In this case the reservoir of concern is located more than 2.6 km away from the site. The flood map has been modelled on a worst-case scenario of the collapse of Clandeboye Lake.

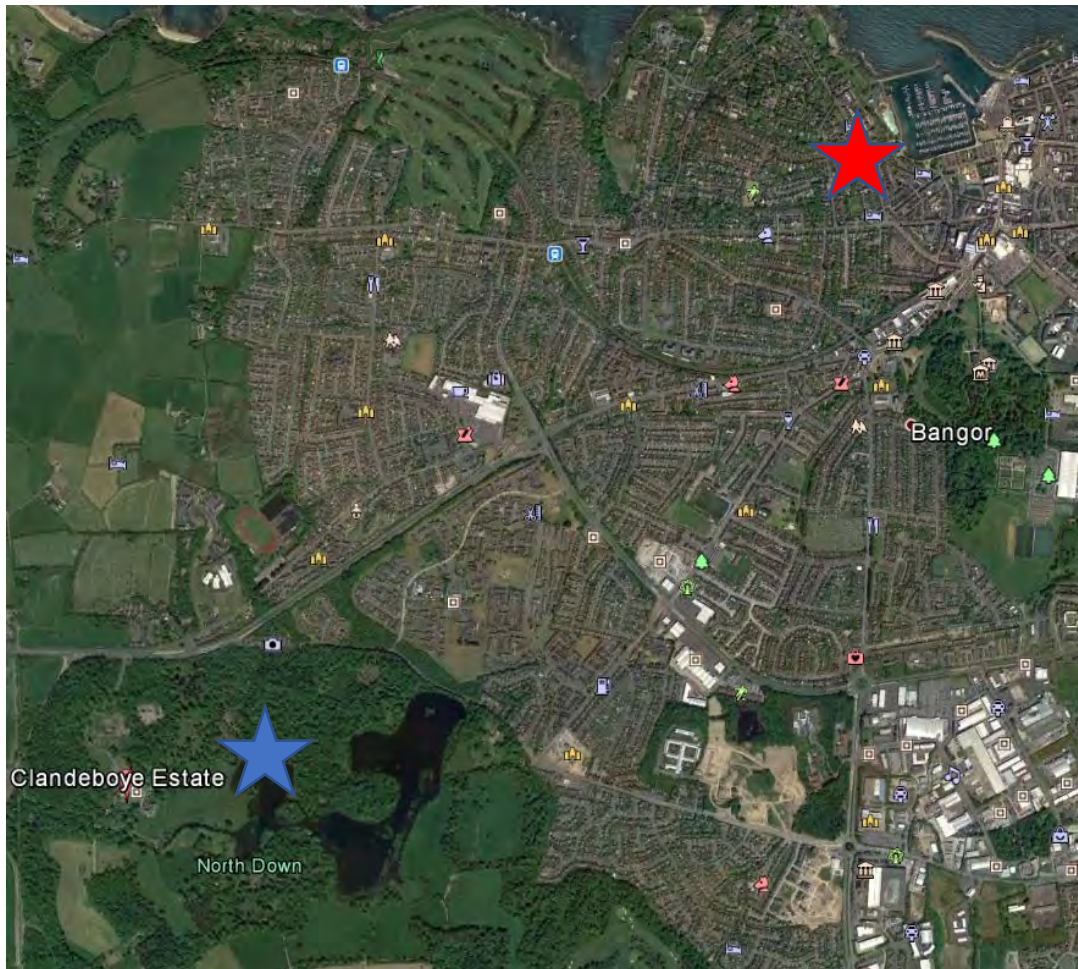


Figure 79 – Aerial image showing location of Clandeboye Lake (demoted by blue star) and Queen's Parade (demoted by red star)

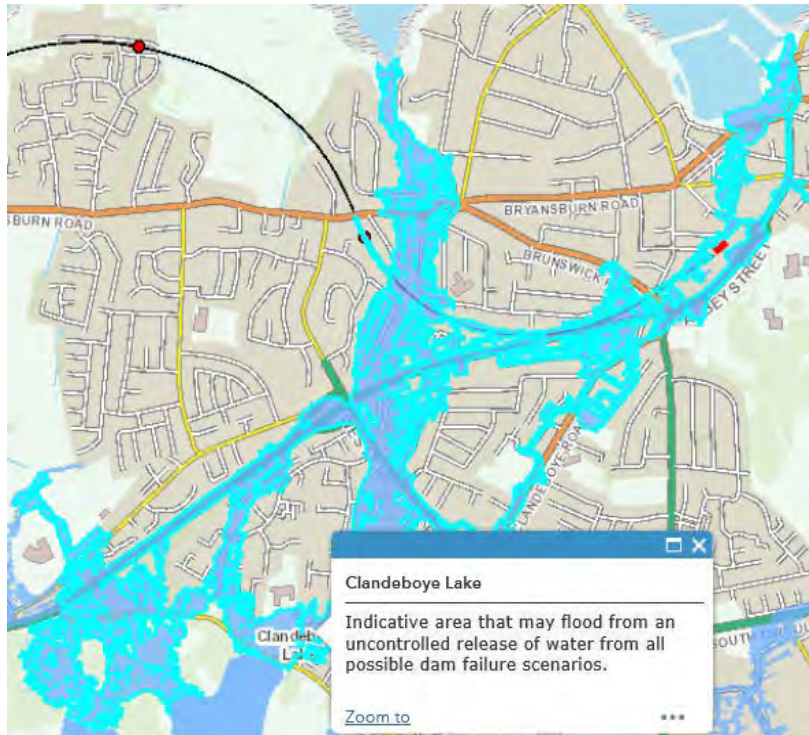


Figure 80 – Blue highlighted area denotes indicative area that may flood from an uncontrolled release of water from all possible dam failure scenarios (DFI Reservoir Flooding Map for Emergency Planning)

- 10.136 The application site lies within an area where the submitted FRA has indicated certain areas having 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. Also such an inundation is shown above to affect a large proportion of Bangor rather than just part of the application site.
- 10.137 This is a multimillion pound investment site that has been extremely long in the waiting for redevelopment. Over the past two decades several initiatives have been progressed between the former Department for Social Development and the Council and now the Department for Communities in conjunction with the Council, and some £9m of public money has been spent assembling the site with clean title to encourage submission of an appropriate development brief to regenerate and reinvigorate this strategic location within the town centre. DfC has expended further monies in site maintenance and security and upkeep in addition to the assembly costs. It is considered that the site is a brownfield site and it should also be highlighted that many of the existing buildings could be refurbished and extended at any time. Additionally, given the phasing of the project and the time to complete, it is possible that the outstanding matters relating to the introduction of subordinate legislation can be resolved to require compliance by the reservoir owner, and thus provide the requisite condition assurance.

- 10.138 The Planning Appeals Commission in its report on objections to draft BMAP in the context of this site accepted that a comprehensive redevelopment of this part of Bangor Town Centre was desirable. Further, in its report on objections received in relation to the proposed Vesting Order related to DSD's proposed Development Scheme, it acknowledged that the redevelopment proposals are to regenerate not only the site, but act as a catalyst for the wider regeneration of Bangor Town Centre.
- 10.139 Therefore, whilst recognising the harm that Policy FLD 5 seeks to protect against, I consider that the public interest in bringing a comprehensive redevelopment scheme to this dilapidated area significantly outweighs this particular policy non-compliance.
- 10.140 Should the Council approve this proposal, The Planning (Notification of Applications) Direction 2017 directs that where the council proposes to grant planning permission for development which has been the subject of consultation with Rivers under Article 13 of the Planning (General Procedure) Order (NI) 2015 and Rivers has raised a significant objection against the granting of planning permission, the Council must notify the Department for Infrastructure and not grant planning permission before the expiry of a period of 28 days, beginning from the date of receipt by the Department. The Department must then assess the application and determine whether it intends to issue a direction under section 29(1) of the Planning Act (NI) 2011 for the proposal to be dealt with by it. It is of note that were this application to be refused and appealed, and the Planning Appeals Commission approved it, there is no similar provision in place to caveat its decision in this manner.
- 10.141 It should be noted that should the transfer of powers in relation to the Reservoirs Act have transferred by that date from DAERA to DFI, then the DFI Minister would have responsibility for both Rivers and Planning, and require to address the tension in respect of significant regeneration and economic investment and potential danger to public health.

Planning Policy Statement 16: Tourism

Policy TSM1 Tourism Developments in Settlements

- 10.142 Policy TSM1 states that 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 the plan.
- 10.143 The elements of the redevelopment scheme that are related to tourism include the new hotel, the cinema/leisure facilities and the new public realm area, which will all draw tourists into the town centre. However, it is the endless opportunities that the redevelopment will present for events, fairs, markets, concerts, festivals etc. that will be the real tourism draw as a result of the

redevelopment and it is anticipated that it will act as a catalyst for further regeneration within the town centre.

10.144 The redevelopment will also become an integral part of the Council's plans to redevelop a 2.2 mile stretch of the seafront to help establish Bangor as a thriving town and prime visitor attraction in Northern Ireland, therefore it is important to consider how the proposed development will function within this wider context. The Bangor Waterfront Development, is a tourism-led regeneration scheme eligible to receive funding from the Belfast Region City Deal. Circa £40M is available for the development via this bespoke package of funding from Westminster, with the remaining investment coming from both the Council (approximately £20M) and the private sector (approximately £4M). An overall 'Development Framework' has been drawn up that outlines a long-term masterplan (15-20 years) for Bangor Waterfront. The Development Framework provides a sound basis for investment in the Waterfront area, supports wider strategic projects including the current proposals under consideration for Queen's Parade and the Council's Greenways proposals, and helps create the conditions for further private, public and community investment. It identifies the rationale for creating a necklace of developments as this will deliver more sustainable growth and regeneration throughout the town and the current proposals for Queen's Parade will form a key part of this 'necklace'.



Figure 81 – Map of proposed 'Bangor Waterfront Development'

10.145 Considering the proposed development within this wider context of plans for the regeneration of Bangor's waterfront as a whole, I am satisfied that the nature of the development is entirely appropriate for the town and will support the main aims and objectives of the development plan.

Policy TSM 7 Criteria for Tourism Development

10.146 Policy TSM7 requires that a proposal for tourism use will be subject to the following 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.**

As already outlined above, given the town centre location of the development it is well served by public transport and is within walking distance to both Bangor Bus Station and Bangor Train Station. The site is adjacent to a section of the existing cycling network and ample cycle parking is provided for on site. The development will promote walking within the town centre through the improvement of permeability from Main Street to Queen, Parade and the promenade with the provision of new pedestrian links and pedestrian priority crossing on Queen's Parade through the provision of a raised table. For those with impaired mobility, level access is proposed throughout the majority of the site and a lift will be provided adjacent to the steps down to Queen's Parade as well as a specially design ramp system which will also be suitable for prams and wheelchair users.

- (b) **the site layout, building design, associated infrastructure and landscaping arrangements (including floodlighting) are of high quality in accordance with published guidance and assist the promotion of sustainability and biodiversity.**

The scheme as a whole has been designed to a high quality. The detailed proposals for the landscaping will be conditioned to be agreed prior to the commencement of development. No floodlighting is proposed. The final details for lighting throughout the development will be conditioned to be submitted to and approved by the Council prior to commencement of development. The contemporary design of the hotel building will create a new landmark feature building for the town centre. The hotel has been carefully laid out to provide active frontages on all sides, onto Queen's Parade, Market Place and Trinity Square where a small spill out seating area is proposed.

- (c) **appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened form public view.**

Given the hotel's location on Queen's Parade, there is no requirement for screening or enclosure. The hotel has been purposely designed to have an active frontage both to the front and rear therefore there are no proposals for outdoor storage. The 'back of house' area to deal with linen, deliveries and bin storage will be located well out of public view at the rear of the building at basement level and accessed via the undercroft car park.

- (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way.**

Surface water run off for the development as a whole is assessed in detail above under PPS15.

- (e) is designed to deter crime and promote personal safety**

The scheme has been carefully designed to deter crime and promote personal safety. All of the new public open spaces will have a high level of surveillance from the proposed buildings on the site. The new Market Place will be well overlooked by the apartments and the hotel which will front directly onto it and provide a 24/7 presence. Likewise, the smaller Trinity Square will also be overlooked by the hotel. Both the Vennel and Trinity Way provide wide direct accesses through to the central Market Place. The access from Main Street to Trinity Square is narrower however this access is only over a short distance and widens as it approaches the square. Approval of planning permission would be subject to a condition requiring details of all lighting to be submitted for approval prior to the commencement of development.

- (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.**

No public art is proposed as part of the current proposal; however, given the extent of public realm proposed within the redevelopment scheme, there will be ample opportunities for the inclusion of public art at a later date. Several locations have however been earmarked on the submitted landscaping plans for the 'Voyager', a piece of public art commissioned by the Council.

- (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.**

The proposed mixed-use development is compatible with surrounding land uses which already include a mix of commercial, recreational and residential uses. The impact of the development upon the character of the surrounding area is considered in detail above under the development plan policies and PPS6 Addendum Areas of Townscape Character.

- (h) it does not harm the amenities of nearby residents**

The proposed development will not cause any unacceptable harm to the amenities of nearby residents. The development proposes to retain residential use on both King Street and Southwell Road which are already primarily residential. The impact on the existing residential properties is considered in detail above under PPS7 Quality Residential Environments.

- (i) **it does not adversely affect features of the natural or built heritage**
The proposed development will not adversely affect features of natural or built heritage. See detailed consideration above under PPS2 Natural Heritage and PPS6 Planning, Archaeology and the 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.**
Proposals for sewage disposal in relation to the development as a whole have been considered in detail below under 'Other Material Considerations'. Both SES and NIEA have been consulted with regard to the potential impact on water quality and designated sites and are satisfied that subject to the recommended mitigation, there will be no significant effect.
- (k) **access arrangements must be in accordance with the Department's published guidance**
DFI Roads has been consulted and is content that access arrangements are in accordance with the published guidance. See detailed consideration above under PPS3 Access, Movement and Parking.
- (l) **access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic**
DFI Roads has been consulted and is content that the proposed accesses will not prejudice road safety or significantly inconvenience the flow of traffic. See detailed consideration above under PPS3 Access, Movement and Parking.
- (m) **the existing road network can safely handle any extra vehicular traffic the proposal will generate**
A detailed Transport Assessment has been submitted with the application and considered by DFI Roads. See detailed consideration above under PPS3 Access, Movement and Parking.
- (n) **access onto a protected route for a tourism development in the countryside is in accordance with the amendments to Policy AMP3 of PPS3, as set out in Annex1 of PPS21.**
Not applicable as this site is inside a settlement limit.
- (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**
The proposed redevelopment will greatly improve and enhance public access to the coastline.

Other Material Considerations

NI Water Network Capacity

- 10.147 NI Water has confirmed that the receiving Waste Water Treatment facility (North Down WWTW) has sufficient capacity to serve this proposal however it has advised that a Network Capacity Check (NCC) is required for the watermain. There is a 1200mm diameter public foul sewer located within Quay Street, however there is downstream incapacity, therefore a network capacity check for the foul sewer is also required.
- 10.148 NI Water has also advised that there is no public storm sewer available which can serve the proposal. As such the developer is required to liaise with Rivers Agency to ascertain if discharge would be possible to any local watercourses. If this option is not deemed viable, the applicant may wish to requisition NI Water to provide a suitable storm outfall sewer. In the initial Drainage Assessment submitted with the application, the developer presented two potential solutions for a new surface water drainage network to drain surface water from the proposed development; discharging to the local DFI Rivers culvert infrastructure in accordance with the Schedule 6 Consent to discharge or alternatively discharging via a new storm outfall to Bangor Marina (subject to agreement with NIEA). The applicant's preference would be to pursue a new outfall to the Marina, as it is believed this would present considerable betterment to the local DFI Rivers and NI Water sewer infrastructure however such a proposal would require considerable detailed design and agreement with the relevant stakeholders including DFI Rivers, NI Water and NIEA, all of which would take a considerable time. Therefore, the developer has adopted the more conservative approach and has obtained a Schedule 6 agreement based on the perceived worst case option, whereby the proposed surface water drainage solution would see a controlled discharge (with an associated attenuation system) from the proposed development to the existing DFI Rivers culvert infrastructure. The Schedule 6 Consent was issued by Rivers Agency on 16 September 2019 and consented discharge at a greenfield runoff rate to Ward Park Stream and Clandeboye Stream.
- 10.149 As NI Water has advised that it will take between 3-6 months for a watermain NCC and 6-18 months for a foul sewer NCC to be carried out, the Council is content that these checks can be completed prior to the commencement of development in line with the relevant legislation outside of the planning process. The previous planning permission for a similar scale of development on the site is a material consideration. While the current application proposes an additional 57 residential units and an additional 5000sqm of office floorspace, it also only has one hotel instead of two as originally proposed and approximately 3000sqm less of retail and leisure floor space. Therefore, the overall scale of the development currently proposed is not considered to be significantly greater than that which was previously approved. NI Water was consulted on the previous application and did not request any Network Capacity Checks. Since the previous planning permission was granted, there have been no other significant developments approved or constructed within

this area of the town centre therefore there has been no increase in a potential cumulative impact on the network in the intervening period.

- 10.150 In summary, the question of securing an acceptable connection for the water, foul and storm sewer lies with NI Water. The response received highlights that there is no issue with the WWTW as it has capacity. The issue is whether or not the existing watermain and foul sewer networks require upgrading as a result of the proposed development, and that is a matter for NI Water to consider and approve under separate legislation.

Contaminated Land

- 10.151 A Contaminated Land Assessment prepared by Atkins has been submitted with the application. An initial Contaminated Land Assessment (dated October 2014) was carried out for the previous planning application on the site (W/2014/0456/F). The 2019 assessment submitted with the current application, reviews this initial assessment and does not note any fundamental changes to the Preliminary Risk assessment (PRA).

- 10.152 Since the 2014 assessment it is noted that there has been a reduction in the Generic Assessment Criteria (GAC) breaches for Benzo(a) pyrene and Nickel and these no longer exceed the current GAC. However, it is noted that brown and white asbestos are still above the acceptance level which will be a risk to construction workers and will need to be addressed with appropriate health and safety planning and working methods. Section 5.5.1 of the Contaminated Land Assessment outlines how the Asbestos should be managed.

- 10.153 Localised elevated levels of hydrocarbons were detected in the shallow groundwater which has been attributed to potential fuel spills and or materials in the made ground layer. This existing made ground will be removed during construction and methods have been detailed to deal with groundwater if it is encountered during construction. The gassing regime on the site has been classified as Characteristic Situation 1 and as such no gas protection measures are deemed necessary. Therefore, with regard to contamination, it is considered that there will be no adverse impacts on environmental or human receptors as a result of the proposed development subject to the various mitigation measures outlined in the submitted assessment and set out in the proposed planning conditions.

Noise Impact

- 10.154 A Noise Impact Assessment, prepared by RPS has been submitted with the application and considered by the Council's Environmental Health Department. The submission carried out baseline monitoring of noise levels in order to confirm day and night-time levels at 4 locations around the site. The potential impact resulting from both the construction phase and the operational phase were assessed and mitigation measures outlined in the report.

- 10.155 It is acknowledged that during the construction phase of the proposal, noise levels in the vicinity will be increased for a temporary period, therefore, it is recommended that a number of conditions are attached to any planning permission in order to reduce the potential impact.
- 10.156 In relation to the residential properties, the dominant noise impact will be due to traffic noise. Subsequently, upgraded glazing and alternative ventilation has been recommended for all habitable rooms in order to meet internal criteria specified in BS 8233. Commercial/retail units are noted to be proposed on the ground floor of block A and the basement level of Block B with apartments above. As detailed design information is not available at this stage to confirm possible plant and equipment which may be associated with the commercial units, derived noise levels have been predicted and set based on background levels. Approval would be subject to a condition requiring submission of details of all plant for approval prior to commencement of development.
- 10.157 In relation to the proposed hotel, noise levels obtained were also used to set glazing/ventilation criteria for the hotel rooms and derived noise threshold limits used for any plant/ equipment to be associated with the hotel. No design details have been provided for the cinema. It is agreed that the operators of the cinema will not want external break in of noise as well as break out which has the potential to disturb the occupants of nearby residential accommodation. A series of conditions (see planning conditions section of report below) are recommended to ensure mitigation against noise impact throughout the operational phase of the development.

Air Quality

- 10.158 An Air Quality Impact Assessment, prepared by RPS, has been submitted with the application. The assessment considers the impacts from both the construction phase and once the proposal is fully operational.
- 10.159 During the construction and demolition phase the issues relate to dust and emissions from construction related vehicles. A detailed construction dust assessment has been undertaken with reference to IAQM guidance on the assessment of dust from demolition and construction, with the site being designated medium/high risk. Consequently, the submission details mitigation measures which will control the emission of dust and reduce the impact on nearby receptors. Exhaust emissions from construction related vehicles and heavy goods vehicles are deemed unlikely to have a significant impact on local air quality and thresholds set within the IAQM guidance regarding the increase of heavy duty vehicle flow are not expected to be exceeded during the construction phase.
- 10.160 For the operational phase of the development, predicted arrivals and departures to/from the proposed development are deemed to have a negligible/moderate effect with respect to nitrogen dioxide and particulates. Overall, it has been confirmed that the impact on air quality is not considered to be significant when judged against current policy. Emissions from any

associated combustion plant has also been considered, it is accepted that detailed full design information is not available at this time and this will be provided once confirmed. A series of conditions (see planning conditions section of report below) are recommended to ensure mitigation against impact throughout the operational phase of the development.

11. Consideration of Representations

- 11.1 A total of nine representations in support of the application and four representations objecting to the application have been received. The main issues raised are summarised and considered below.

Representations in Support

- 11.2
1. Joyce Jones, 4 Plantation Road, Bangor
 2. Emma Shannon, 42 Central Avenue, Bangor
 3. Natalie McOwat, 8 Abbey Park, Bangor
 4. Terri McKee, 14 Rathmore Avenue, Bangor
 5. George Browne, 41 Drumawhey Gardens, Bangor
 6. Graham McAteer, 2 Whitehill Drive, Bangor
 7. Craig Kane, 1 Marlborough Drive, Bangor
 8. Trevor Kennedy, 13 Bloomfield Court, Bangor
 9. Ian Nesbitt (no address provided)
- 11.3 Six of the above expressed general support and made no specific comments on the proposal.
- 11.4 Joyce Jones expressed a desire for enclosed market facilities which could be used in inclement weather conditions. Craig Kane welcomed any improvement to Bangor Seafront which would bring prosperity back to the town. The scheme will provide ample opportunities for market facilities. The public realm has been designed to be as flexible as possible to allow many different types of events to be accommodated including markets. While the current application includes no proposal for a permanent enclosed market, this is potentially something that could be accommodated in the future subject to appropriate assessment.
- 11.5 Mr Nesbitt who also wrote in support of the application, is of the opinion that developer and all their agents have demonstrated high levels of due diligence and governance controls in the execution of not only the processes but also in regards to their communications and responses with the statutory agencies. He considers that the development will boost the town centre's economy, and the morale of the local population, particularly in the current circumstances of the pandemic and requested a timely decision on the application.

Representations of Objection

- 11.6
1. Barry Patterson, 1 The Paddock, Elsinore Avenue, Bangor
 2. Gavan Reynolds, 15 Southwell Road, Bangor
 3. Geoff Sloan, 8A Gransha Road, Bangor
 4. John (Initials CJM – no surname provided)
- 11.7 **Barry Patterson RIBA** has raised concerns regarding the lack of parking provision for the public and visitors to the development and the loss of the existing parking at Marine Gardens without its replacement. Mr Patterson contends that if Bangor wishes to attract visitors, they will need somewhere to park. He has made the suggestion that the existing car park at Marine Gardens could be retained and an area of open space constructed over it at a raised level with an upper pedestrian walkway linking it to the development on Queen's Parade. Mr Patterson has also asked where and when a new Civic Centre will be provided for the Council and has suggested that the Flagship Centre could provide the Council with these facilities with a ready built car park of 600 spaces. Mr Patterson contends that the proposals currently submitted do not address Bangor's problems particularly in relation to the continued closure of shops in the town centre.
- 11.8 The loss of existing parking and the provision of new parking for the development has been assessed in detail in the above report. Studies carried out by the developer's Roads consultant have demonstrated adequate available capacity in other public car parks within a reasonable walking distance of the site to compensate for the loss of the existing car park at Marine Gardens. In line with the aims of the RDS and SPPS it is considered that the proposal will create a more pedestrian friendly town centre and reduce the reliance on private cars encouraging the use of alternative modes of transport. While Mr Patterson has suggested an alternative design solution for the Marine Gardens area, the Planning Department's duty is to objectively assess the current proposal before it which for the reasons detailed above, is considered to be an acceptable design solution which meets the aims and objectives of the Development Plan and Planning Policy. The issue raised regarding the location of a new Council civic centre is not a consideration within the remit of this current application
- 11.9 **Gavan Reynolds** has objected specifically to the proposals for the demolition of 11-17 Southwell Road (see Figure 82 below). Mr Reynolds contends that the four houses in question are physically peripheral to the development scheme, not required to meet the objectives of the scheme and not required for access to the scheme. He also raises concerns that the buildings are of a wholly different character to the overall scheme and that they make a material contribution to the character and appearance of the Area of Townscape Character.
- 11.10 DfC requested the Planning Appeals Commission to hold a public inquiry into its proposed Development Scheme and Vesting Order which specifically included this terrace, No. 15 being that which Mr Reynolds occupies in part. As

stated within the Commission's report, the property at 15 Southwell Road is an integral part of a terrace of 4 dwellings. The property is a traditional 3 storey bay fronted dwelling which has been converted and subdivided into 4 one bedroom apartments. The objector occupies one of the units and the remaining apartments are privately rented. The other 3 properties in the terrace are former dwellings which are currently vacant and boarded up. These properties have already been acquired by DfC.

- 11.11 In the consideration of the previous planning application on site, submitted by DSD, it was concluded that this terrace did not make a positive contribution as either a significant architectural element or historic feature in the townscape. These matters were also raised in objections to the planning application and were not found to carry determining weight. This is a comprehensive mixed-use development scheme, and demolition of these properties is deemed to be required in order to facilitate the proposal. The planning authority must assess the totality of the proposal before it, and in this case does not consider that any of these buildings make a positive contribution to the Area of Townscape Character.



Figure 82 – Existing buildings on Southwell Road

- 11.12 **Geoff Sloan RIBA** has objected to the development proposal on the grounds that it fails to adequately meet the requirements of the SPPS, Policy ATC2 of PPS6 Addendum: Areas of Townscape Character, PPS7: Quality Residential Environments and the Creating Places and Living Places Guidelines. Mr Sloan is concerned that the current proposals represent an 'overly commercial' response to the redevelopment of the area and fail to provide sensitive solutions to the needs of the town, the Area of Townscape Character, the public realm (including parking provision) and the town centre residential provision. Mr Sloan contends that the concerns he raised during the public consultation process have been ignored. These concerns are summarised and considered as follows:

- *The architecture of the scheme displays a lack of understanding of the history and architecture of Bangor's historic town centre and fails to create a 'sense of place' which would integrate it into the area.*

I agree that the architecture and design of the proposed development does not strongly reflect the more traditional Victoria architecture within the ATC; however, I do not agree that the proposal fails to create a sense of place. The wide variety of uses proposed along with the extensive areas of proposed public open space with endless opportunities for all sorts of event to be held, will provide a new focal point to the town centre focused around the much-improved connection with the sea and marina area. The SPPS and indeed Living Places both highlight that good design is not just about the architecture and appearance of buildings, rather it is about how the buildings and the spaces around them relate to each other. Living Places refers to the importance of creating vibrant and diverse urban centres which are formed by a concentration of different uses, services and facilities, thereby attracting different people over a sustained period of time. It is considered that the proposed development with its wide variety of uses will achieve this. With regard to the architecture and design of the proposed buildings themselves, the impact on the appearance of the proposed ATC has been considered in detail in the above report. It is acknowledged that the scheme proposes a contemporary approach to design. Given the extensive demolition that has already occurred, it is considered that the site offers an ideal opportunity to introduce a fresh contemporary approach which will complement and contrast with the historical buildings within the wider ATC rather than attempt to replicate them.

- *The grain and materiality of the proposed buildings fail to acknowledge and respond to the fine grained, largely Victorian Architecture of the ATC. The architecture of the proposed hotel is extremely out of character with the location, more closely resembling a city office building.*

I agree that the development as a whole does not replicate the finer grain of the Victoria architecture within the proposed ATC and that the proposed hotel building does not make any obvious attempt to reflect the character of the more traditional buildings; however, as explained above, it is considered preferable to adopt a design solution that will create high quality contemporary buildings on this site. It is considered that an attempt to replicate the grain and materiality of the existing historical buildings would actually undermine the attractive traditional characteristics of these buildings. The application site actually offers an ideal opportunity to introduce a fresh contemporary approach to architecture within the town centre as it could almost be said to sit on its own 'island' between Main Street and Southwell Road set apart to a large degree from the really good examples of residential Victorian architecture further along Queen's Parade beyond Gray's Hill and on the opposite side of the Bay at Quay Street with the Courthouse and the old Royal hotel buildings. It is considered that this contrast of architectural styles will provide interest and variety to the appearance of the town centre.

- *The use of grey brick for the proposed apartments and townhouses is inappropriate to the town and its setting.*

I agree that the proposed use of grey brick is not characteristic of the setting. This concern was raised with the agent on several occasions during pre-application discussions; however, the agent advised that painted render or self-coloured render would not be practical for the exposed coastal location. It is recommended that any planning approval is subject to a condition requiring the final colour and specification of the brick to be agreed with the Council prior to the commencement of development.

- *The massing of the various blocks is too heavy and out of character with the ATC*

I agree that the scale and massing of the buildings is significantly greater than existing buildings within the ATC; however, determining weight is being afforded to the overall regeneration benefits of the scheme in this case.

- *If the proposed development is to bring increased footfall to the area then adequate additional parking close to Queen's Parade is essential. The proposed car park on site only provides for the needs of the proposed development.*

The provision of additional parking beyond that required to serve the proposed development is beyond the remit of this planning application. A detailed analysis of the proposed parking provision for the development is set out in the above report.

- *The considerable level difference between Queen's Parade and the proposed central square creates a significant psychological and visual barrier between the two which is further reinforced by the extensive stair and ramp configuration.*

I agree that the significant difference in levels between Market Place and Queen's Parade is not ideal. The Planning Department also raised this concern with the agent during pre-application discussions; however, the developer's design team was unable to provide a solution that would not require this difference in levels given the existing levels across the site and the specific requirements of the proposed development. Some minor amendments were however made to include the introduction of ramps and a slight reduction in the steepness of the steps.

- *Active, small scale frontage should be an extremely important element of the scheme including along the main Trinity Way linkage through to Main Street. It is not clear if the large unit forming the northern side of this route is to be broken up into smaller units – it is very important that it is.*

I agree that it would be preferable to have a more active frontage along Trinity Way, incorporating a number of different smaller units to create interest and vibrancy along the new access. The Planning Department also raised this concern with the agent who advised that the proposal could not be amended to incorporate individual units at Trinity Way as the developer requires a specific quantum of office space to make the overall scheme feasible. Living Places advises that it is important to design buildings in a manner which maximises the activation of ground floor frontages. This is achieved by locating activity generating uses on the ground floor of buildings and further ground floor activation can be achieved through the provision of outdoor spill out space for stalls and seating. While it is unfortunate that a more active frontage could not have been provided along Trinity Way, I am satisfied that the development scheme when considered as a whole, complies with these objectives. There will be ample active frontages at ground floor within the new Market Place, Trinity Square and along Queen's Parade with a variety of retail, leisure and food and beverage uses. Many of the proposed food and beverage units also propose spill out areas for outdoor seating, including Café Nero which will have outdoor seating onto Trinity Way.

- *The south east corner of the secondary space off central square is an important visual marker. This corner is currently occupied by circulation and is largely dead as regards 'active frontage'.*
-
- As outlined above, the development scheme as a whole will have ample active frontage at ground floor.
- *Consideration should be given to introducing planting into the Vennel route leading on to King Street.*

Planning approval would be subject to a condition requiring detailed landscaping proposals to be submitted for approval prior to the commencement of development.

- *All public space in private ownership should remain open 24/7 year-round. This should be a condition of planning permission.*

I would agree that in the interest of permeability and to encourage a robust night time economy to become established, the proposed areas of public open space should remain open 24/7 and any planning permission should be subject to a condition to secure this.

- *The proposed cycle parking and visitor information building would be better located in a prominent position at the bottom of Main Street.*

No cycle parking/visitor information building is proposed as part of this Application. The kiosks and pavilion buildings are described in the description as being for food and beverage; should it be considered in future that the pavilions would be better suits to an alternative use such as for a

visitor information centre or cycle hub, further applications can be submitted and assessed accordingly.

11.13 Whilst the pre-application community consultation is an important component of any major development application to encourage public engagement and invite opinions on the initial scheme, the Planning Department considers that the scheme has evolved significantly from the initial tender submission, through various iterations to the final assessed proposal. Whilst public opinion is crucial, it will never be possible to develop a scheme that will meet everyone's tastes or aspirations. The Planning department has carefully assessed the proposal before it and is content that the elements when taken as a whole are acceptable.

11.14 **John (initials CJM)** has raised the following concerns:

- *The sea should be brought closer to Queen's Parade as it was historically rather than an area of open space.*

Bangor Marina is now located immediately adjacent to the proposed area of open space therefore it would not be possible to reinstate the original beach.

- *It is disappointing that the proposals involve the removal of the old sea wall which currently forms the boundary between the Marine Gardens car park and Queen's Parade.*

The original stone sea wall will be retained for the most part. Only sections of it will be removed to allow the creation of new points of access into the public realm area.

- *The hotel building fronting Queen's Parade is too wide and the flat roof is not sympathetic to the traditional style of Bangor. The building is similar to a new building on Chichester Street in Belfast and not suited to Bangor.*

The design and impact of the proposed building has been assessed in detail in the main body of this report.

- *The existing traditional buildings on Queen's Parade are being demolished and replaced with modern buildings that are not sympathetic to Bangor.*

The planning authority is tasked with assessing the totality of the planning proposal before it, and as such the design of the proposal including its impact on the historic townscape has been assessed in detail earlier in this report. The design of the buildings is one of many planning considerations that have to be assessed against policy in the round and carefully balanced. The Planning Department has worked with the planning agents over a substantial period of time in an attempt to develop and achieve the best scheme possible for this site. In

doing so, many different considerations have had to be taken into account, not least the potential regeneration benefits of the development for Bangor town centre which are considered to outweigh the loss of the existing buildings.

12. The Planning Balance

- 12.1 The process of 'weighing up' the relevant factors, is often described as the 'planning balance'. The planning authority must exercise its judgement and consider many (sometimes) conflicting issues to decide whether planning permission should be granted. This balance is carried out pursuant to Section 6(4) of the 2011 Act which is detailed at the start of this report requiring that a decision under the Act must be made in accordance with the development plan unless material considerations indicate otherwise. This will mean examining the development plan and taking material considerations which apply to the proposal into account. These matters must be properly considered otherwise the decision of whether or not to grant permission will have excluded a consideration.
- 12.2 This proposal has been considered weighing, inter alia, the following matters:
- The site's location within the town centre of Bangor as designated within the extant local development plan (NDAAP);
 - The site's location within the town centre as designated within draft area plan (dBMAP) and the Bangor Town Centre Plan;
 - The site's designation as a Development Opportunity Site within dBMAP;
 - Community benefits from the proposed public realm scheme and creation of open space and event space;
 - Tourism potential in the context of both the proposed hotel and the visitor 'destination' and other associated draws;
 - Public support for the development of the site in the interests of visual improvement of the site and regeneration and revitalisation of Bangor Town Centre;
 - Public interest test and public intervention by DfC;
 - Consultee responses and third-party representations.
- 12.3 Weighing up all of the material considerations detailed in this report and those summarised above, I recommend on balance to the Committee that the planning application should be approved subject to conditions as detailed

below, and execution of a Planning Agreement prepared under Section 76 of The Planning Act (Northern Ireland) 2011.

13. Conclusion

For the reasons set out in this report, the Planning Department considers that:

- The proposal meets the policy provisions of the extant Local Development Plan, draft BMAP and the Bangor Town Centre Plan ;
- No material considerations have been put forward that outweigh the social and economic benefits that are presented within this development proposal;
- The concerns raised by Rivers Agency in relation to the reservoir inundation area, are considered to be outweighed by the positive benefits of this redevelopment scheme which will represent significant regeneration benefits to an area long neglected and awaiting positive intervention;
- This proposal represents an important opportunity to influence change in Bangor Town Centre, and promote regeneration of the site to act as a catalyst to further sustainable development in the town, in line with the regional objectives identified within the Regional Development Strategy.

14. Recommendation

Given the detail set out in this report, I do not consider that any material considerations have been presented that outweigh the presumption in favour of development of this site in accordance with the current proposal. It is my professional planning judgement that this proposal is in compliance with the development plan, the draft development plan and prevailing regional planning policy and guidance and as such should be granted planning permission.

15. 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. The development hereby approved shall be carried out in accordance with the approved phasing plans as indicated on drawing Nos. 58, 59 and 60 bearing the Council date stamp of 28 January 2020.

Reason: To ensure the orderly development of the site.

3. The proposed public realm areas of open space as indicated on the approved drawing No. 64 bearing the Council date stamp of 28 January 2020, shall be

laid out in accordance with the approved plans, drawing Nos. 64, 65, 66, 67 and 68 bearing the Council date stamp of 28 January 2020 and in accordance with the timing set out in the above approved phasing plans. These areas shall not thereafter be used for any purpose other than as open space with the exception of the approved kiosks and pavilion buildings as indicated on Drawing No. 64 bearing the date stamp 28 January 2020.

Reason: To ensure the provision, retention and maintenance of a high standard of public open space

4. The proposed public realm areas of open space as indicated hatched purple on the approved drawing No. 63 bearing the Council date stamp of 28 January 2020, shall remain open and accessible to the public, 24 hours a day and 7 days a week.

Reason: To ensure that an adequate level of public access through the site is maintained in perpetuity.

5. The proposed public realm areas of open space as indicated hatched purple and red on the approved drawing No. 63 bearing the date stamp of 28 January 2020 shall be managed and maintained in perpetuity 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 with the Council prior to the occupation or operation of the development.

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

6. No development/site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place on the site until full details of both hard and soft landscape works required in conjunction with the development have been submitted to and approved in writing by the Council and these works shall be carried out in accordance with the approved phasing plans as indicated on Drawing No. 58, 59 & 60 bearing the date stamp 28 January 2020. The works as approved shall be completed during the first available planting season following completion of ease phase.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

7. The hard and soft landscape works to be submitted as required by condition 6 above shall include the following details:
 - (a) proposed finished levels and proposed contours;
 - (b) any means of enclosure, hard surface materials/minor artefacts and structures e.g. street furniture, play equipment, refuse storage, lighting, existing and proposed services above and below ground;

- (c) soft landscape works including planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, appropriate numbers of native species trees and shrubs, the size at time of planting, the presentation, location, spacing and numbers and an implementation programme.
- (d) details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*;

Reason: To ensure the provision of amenity afforded by appropriate landscape design, to compensate for the loss of existing vegetation on the site and to minimise the impact of the proposal on the biodiversity of the site.

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

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

- 9. A detailed landscape management and maintenance plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all areas of open space and public realm as indicated hatched red and purple on the approved drawing No. 63 bearing the date stamp 28 January 2020, shall be submitted to the Council for approval prior to the commencement of development. The landscape management and maintenance plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

- 10. No development shall commence until detailed drawings showing the proposed design and finishes for all of the structures, buildings and street furniture located within the public realm areas as indicated on drawing No. 64 bearing the date stamp 28 January 2020 have been submitted to and approved by the Council. The development shall be carried out in accordance with the approved details and in accordance with the approved phasing plans referred to in condition 2 above.

Reason: In the interest of visual amenity and to allow the Council to control the external appearance of the structures, buildings and street furniture.

- 11. The two pavilion buildings indicated as B1 and B2 on drawing No. 64 bearing the date stamp 28 January 2020, shall be single storey and shall have a

maximum ridge height of 6.5m in height when measured from finished floor level and a maximum internal floor space of 200sqm.

Reason: In the interest of visual amenity and to ensure that the buildings will not appear dominant in the coastal setting.

12. The proposed kiosks and shelters indicated as S1-S5 and K1-K4 on drawing No. 64 bearing the date stamp 28 January 2020 shall not exceed 4.25m in height when measured from finished floor level. The internal floor space of the kiosks shall not exceed 20sqm and the footprint of the shelters hereby approved shall not exceed 32sqm.

Reason: In the interest of visual amenity and to ensure that the buildings will not appear dominant in the coastal setting.

13. Prior to the commencement of development within each phase as referred to in condition 2 above, details of the specification and colour of the proposed brick to be used for the buildings within each phase shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with the details as subsequently approved.

Reason: To ensure that the materials and finishes of the built development will respect the character and appearance of the area.

14. The height and floorspace of the proposed plant rooms and housing on the roofs of blocks 5, 6 and 10 (otherwise known as the hotel, office and cinema buildings) shall not exceed that shown on drawing Nos. 41 and 42 bearing the date stamp 28 January 2020 and 43B and 44B bearing the date stamp 22 December 2020.

Reason: To ensure that the plant will not appear as an adversely prominent feature within the existing townscape setting.

15. Prior to the installation of any rooftop plant as referred to in condition 14 above, details of the proposed materials and finishes for all plant rooms and enclosures shall be submitted to the Council for approval. The development shall be carried out in accordance with the details as subsequently approved.

Reason: To ensure that the materials and finishes of the built development will respect the character and appearance of the area.

16. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. This shall reflect all of the mitigation and avoidance measures detailed in the outline CEMP and the Ecological Impact Assessment. 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 and timings of works;
- a. 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;
- b) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- c) Water Quality Monitoring Plan;
- d) Environmental Emergency Plan;
- e) Details of appropriate mitigation measures to protect hedgehogs;
- f) Details of updated Japanese knotweed surveys to be carried out and any necessary mitigation and/or management measures required;
- g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of European sites or priority habitats and species.

17. 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 Ards and North Down Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
- The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

18. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 17 above.

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

19. 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 17 above. These measures shall be implemented and a final archaeological report shall be submitted to Ards and North Down Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Ards and North Down Borough 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.

20. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified in Atkins Ltd Contaminated Land Assessment. Queens Parade, Bangor August 2019. This strategy must be submitted in writing and agreed with the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

21. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under condition 20 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

22. If during the development works, new contamination or risks are encountered which have not previously been identified, works should 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) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. 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.

23. After completing the remediation works under conditions 21 to 23; and prior to occupation of the development, 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) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. 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.

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

24. No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

25. All noise mitigation measures for the construction and demolition phase shall be incorporated into the development as detailed in section 4.3 of Noise Impact Assessment, Redevelopment at Queens Parade, Bangor, prepared by RPS, referenced NI2123 17th December 2019.

Reason: To ensure the occupiers of nearby premises are not adversely affected by construction noise.

26. Demolition or construction works shall not take place outside the following hours: - Mondays - Fridays -07:00 hrs 19:00hrs, Saturdays - 08:00hrs -13:00hrs and not at all on Sundays or Public/Bank Holidays.

Reason: To ensure the occupiers of nearby properties are not adversely affected by construction noise.

27. Noise from the construction site shall not exceed the Category A noise threshold limit of 65dB at nearest residential premises. Construction noise monitoring shall be carried out throughout the construction period to ensure compliance with the noise threshold limits set and records be kept for inspection by Ards and North Down Borough Council.

Reason: To ensure the occupiers of nearby premises are not adversely affected by construction noise.

28. A construction barrier shall be erected around the perimeter of the site which shall provide a least 10dB reduction in noise levels.

Reason: To ensure the occupiers of nearby premises are not adversely affected by construction noise.

29. Glazing, capable of providing a sound reduction index of at least 33dB Rw shall be installed within all habitable rooms within the residential development.

Reason: To ensure future occupants of the apartments are not adversely affected by noise.

30. An alternative form of ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 33dB Rw when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all habitable rooms in the residential development.

Reason: To ensure future occupants of the apartments are not adversely affected by noise

31. Prior to the occupation of the residential/hotel development, the applicant shall submit, to Ards and North Down Borough Council, for approval, details of the location and specification all plant and equipment to be used in connection with the commercial/ retail units. All plant and equipment associated with the commercial/ retail units must be demonstrated to comply with the derived threshold limits at noise sensitive receptors as detailed in Table 5.5 of Noise Impact Assessment, Redevelopment at Queens Parade, Bangor, prepared by RPS, referenced NI2123 17th December 2019.

Reason: To ensure future occupants of the apartments and patrons of the hotel are not adversely affected by noise

32. Glazing, capable of providing a sound reduction index of at least 36dB Rw shall be installed within all hotel rooms on the first floor.

Reason: To ensure future patrons of the hotel are not adversely affected by noise

33. An alternative form of ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 36dB Rw when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all hotel rooms on the first floor.

Reason: To ensure future patrons of the hotel are not adversely affected by noise

34. Glazing, capable of providing a sound reduction index of at least 33dB RW shall be installed within all hotel rooms on the second floor.

Reason: To ensure future patrons of the hotel are not adversely affected by noise

35. An alternative form of ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 33dB Rw when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all hotel rooms on the first floor.

Reason: To ensure future patrons of the hotel are not adversely affected by noise

36. Prior to the occupation of the development, the applicant shall submit, to Ards and North Down Borough Council, for approval, details of the location and specification all plant and equipment to be used in connection with the hotel. All plant and equipment associated with the hotel must be demonstrated to comply with the derived threshold limits at noise sensitive receptors as detailed in Table 5.8 of Noise Impact Assessment, Redevelopment at Queens Parade, Bangor, prepared by RPS, referenced NI2123 17th December 2019.

Reason: To ensure future occupants of the apartments and patrons of the hotel are not adversely affected by noise

37. Prior to commencement of the construction of the cinema, the design and construction of the cinema shall be agreed in writing with Ards and North Down Borough Council to ensure no nearby residents are adversely affected by noise break out. The cinema will be constructed in accordance with the approved details.

Reason: To ensure future occupants of the apartments and patrons of the hotel are not adversely affected by noise

38. Prior to the commencement of development, the applicant shall develop and submit to the Council for approval, a dust management plan which shall outline the site-specific dust mitigation measures to be employed during demolition and construction phases to minimise the generation and movement of dust from the proposed development to surrounding areas.

Reason: To ensure the emission of dust is controlled during the demolition and construction phase of the development

39. The measures agreed in the dust management plan secured by condition 39 above shall be implemented, controlled and managed, with all records held on-site and made available to Ards and North Down Borough Council if required.

Reason: To ensure the emission of dust is controlled during the demolition and construction phase of the development

40. Prior to installation, full details and specifications of all combustion units to be installed are to be forwarded to Ards and North Down Borough Council Environmental Health Department for review and for approval in writing. All installations as approved are to be completed and commissioned prior to occupation. No changes to the approved heating system provision shall be made without the prior written approval of the Council.

Reason: To control impact on air quality through emissions from any associated combustion plant.

41. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Ards and North Down Borough Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

42. Prior to commencement of any tenant fit out, for each unit or part thereof, full details and specifications of extract ventilation and odour control are to be forwarded to Ards and North Down Borough Council Environmental Health Department for review and approval in writing prior to installation. All installations are to be completed and commissioned in accordance with the approved details prior to occupation/commencement of use and are to be retained throughout the tenancy. No changes shall be made to the occupancy or ventilation provision without the prior written approval of the Council.

Reason: To ensure the occupants of nearby residential premises are not adversely affected by cooking odours from the proposed food businesses.

43. Deliveries by commercial vehicles shall not take place outside the following hours: - 07:00-23:00hrs Monday to Saturday and not at all on Sundays or Public Holidays.

Reason: To ensure nearby residents are not adversely affected by noise from delivery vehicles and associated activity.

44. Prior to the commencement of any development hereby approved, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Council for approval.

Reason: To safeguard against flood risk to the development and elsewhere.

45. Prior to the commencement of any works on site an inspection shall be undertaken to review the site conditions and the potential for any re-occurrence of Japanese knotweed. If Japanese knotweed or other invasive species are found, necessary action shall be taken prior to works commencing on site. Details of these inspections and any action required shall be included in the

final Construction Environmental Management Plan (CEMP) referred to in condition 16 above. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the presence of any invasive species is eradicated from the site.

46. No development activity, including ground preparation or vegetation clearance, shall take place until an updated breeding bird survey of the site has been undertaken by a suitably qualified and experienced ecologist between April and June and the findings of this survey and appropriate mitigation and compensation measures to be implemented are included in a Breeding Bird Survey and Mitigation Report which shall be submitted to and approved in writing by the Planning Authority. The approved Breeding Bird Survey and Mitigation Report shall be implemented in accordance with the approved details and all works on site shall conform to the approved Breeding Bird Survey and Mitigation Report, unless otherwise agreed in writing by the Planning Authority. The Breeding Bird Survey and Mitigation Report shall include the following:
- a) Details of the results of the updated breeding bird survey carried out at the appropriate time of year and using appropriate methodology;
 - b) Details of mitigation and compensation measures for birds, including the specifications and locations of the compensatory measures such as nest boxes/bricks;
 - c) Details of the appointment of an Ecological Clerk of Works (ECoW) to oversee the implementation of mitigation and compensation measures for birds and their roles and responsibilities.

Reason: To protect breeding birds.

47. No vegetation clearance or building demolition 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 clearance/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 Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

48. 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 [drawing number to be inserted] bearing the Council date stamp [date to be inserted].

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.

49. No development hereby permitted shall be occupied or become operational until the road works as indicated on Drawing No [drawing number to be inserted] bearing the date stamp [date to be inserted] have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

50. No development hereby permitted shall be occupied or become operational as detailed in the phasing plan until hard surfaced areas associated with that phase have been constructed and permanently marked in accordance with the approved Drawing No [drawing number to be inserted] bearing the date stamp [date to be inserted] to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any 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.

51. No development hereby permitted shall be occupied or become operational until a Parking Management Plan has been submitted to and agreed in writing by the Council. The Plan as submitted shall be generally in accordance with that detailed on figure [number to be inserted] of the Transport Assessment bearing the date stamp [date to be inserted]. The development shall be carried out in accordance with the Parking Management Plan as agreed.

Reason: To ensure the safe and functional operation of the parking provided in accordance with its associated planned use.

52. The development hereby permitted shall not be occupied or become operational until a Travel Plan has been submitted to and agreed in writing by the Council. The Travel Plan as submitted shall be generally in accordance with the Travel Plan framework bearing the stamp [date to be inserted]. The development shall operate in accordance with the Travel Plan as agreed.

Reason: To facilitate access to the site by means other than the private car and in the interests of road safety and traffic progression to ensure the adequacy of the service facilities.

53. The development hereby permitted shall operate in accordance with the Service Management Plan bearing the date stamp [date to be inserted].

Reason: To facilitate access to the site by means other than the private car and in the interests of road safety and traffic progression to ensure the adequacy of the service facilities.

54. Refuse collection for the development hereby approved shall be carried out by a private company utilising Euro Bins. Details of the final management arrangements for refuse collection shall be submitted to and approved in writing by the Council prior to the occupation or operation of any part of the development hereby approved and the approved arrangements shall be carried out in perpetuity thereafter.

Reason: In the interests of road safety and traffic progression and to ensure the adequacy of the service facilities.

55. The vehicular access associated with each phase of the development, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No [drawing number to be inserted] bearing the date stamp [date to be inserted] prior to the commencement of any works within that phase. 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.

56. The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 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.

57. All statutory procedures in accordance with relevant traffic legislation shall be completed in respect of the introduction of two-way traffic on Southwell Road, loading bays and disabled parking bays as indicated on Drawing No [drawing number to be inserted] bearing date stamp [date to be inserted] prior to the commencement of phase two of the development as indicated on Drawing No [drawing number to be inserted] bearing the date stamp [date to be inserted].

Reason: To ensure the statutory provisions required are in place in the interests of road safety and the convenience of road users.

58. A Road Safety Audit in accordance with GG119 of the Design Manual for Roads and Bridges shall be carried out at appropriate stages within the construction and operation process.

Reason: In the interest of safety and convenience of road users.

59. The development hereby permitted shall not be commenced until a Construction Event Management Plan and Construction Site Traffic Management Plan have both been submitted to and approved in writing by the

Council. All development shall be carried out in accordance with the Construction Event Management Plan and Construction Site Traffic Management Plan as approved.

Reason: To ensure the development is adequately serviced in the interests of road safety and traffic progression.

Application Plans

Site Location Plan



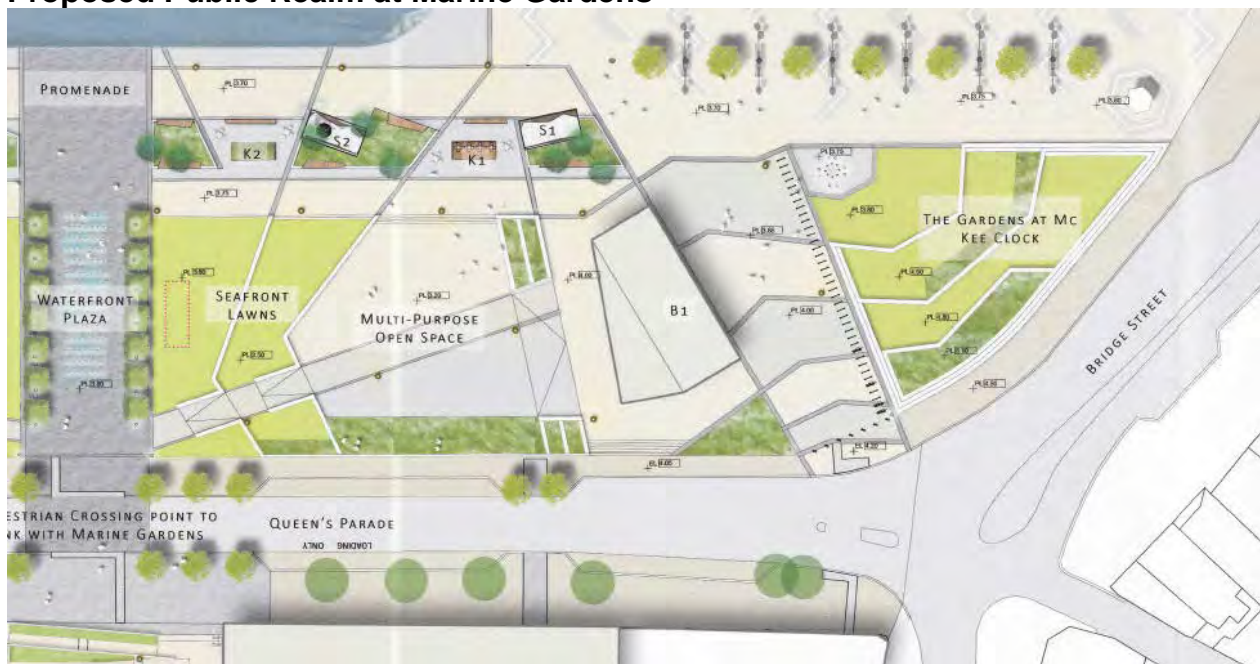
Proposed Site Layout (Level 1)



Proposed Public Realm at Marine Gardens



Proposed Public Realm at Marine Gardens



Proposed Main Street Elevation



Proposed Queen's Parade Elevation (Part 1)



Proposed Queen's Parade Elevation (Part 2)



Proposed King Street Elevation



Proposed Southwell Road Elevation



Proposed Section through Market Place showing Proposed Hotel, Offices and Trinity Way Access



Proposed Section through Market Place showing Proposed Apartment Building, Cinema and King Street Terrace



Photographs of Site and Surrounding Area



Queen's Parade



Queen's Parade



Project 24 & The Hub



Project 24 & The Hub



The Vennel



Existing Car Park on Site



Existing Car Park on Site



Victorian terraces viewed from Marine Gardens Car Park



Junction of Main Street/King Street



Main Street site frontage



Flagship Centre opposite site



Southwell Road looking towards King Street junction



Southwell Road looking towards Queen's Parade



King Street looking towards Main Street

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