



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA06/2020/0097/F**

Date of Application: **31st January 2020**

Site of Proposed
Development:

Lands at and to the rear of 18 to 52 Main Street (Reeds Rain to TK Maxx), 2-34 King Street, 5-17 Southwell Road, 5-41 Queen's Parade, Marine Gardens car park, the Esplanade Gardens and the area around McKee Clock, Bangor, BT20 3BJ.

Description of 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 a new vehicular access onto Southwell Road to serve undercroft 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.



Applicant: Bangor Marine Limited
Address: C/O Millar McCall Wylie
Imperial House Belfast
BT1 5HD

Agent: Turley
Address: Hamilton House
3 Joy Street
Belfast
BT2 8LE

Drawing Ref: 01, 03, 14, 15B, 16B, 17B, 18B, 19B, 20B, 21, 22A, 23B, 24A, 25A, 26B, 27B, 28B, 29A, 30B, 31A, 32B, 33B, 34A, 35B, 36B, 37A, 38B, 39B, 40, 41, 42, 43B, 44B, 45A, 46A, 47B, 48B, 49A, 50A, 51A, 52B, 53A, 54A, 55A, 56, 57A, 58C, 59C, 60C, 61C, 62A, 63, 64, 65, 66, 67, 68, 69B, 76A, 77A, 78A, 79A, 80A, 81A & 82

Document Ref: 08 Noise Impact Assessment, 10 Ecological Impact Assessment, 11 Outline Construction Environmental Management Plan, 12 Contaminated Land Assessment, 13 Service Management Plan, 14 Framework Travel Plan & 15 Transport Assessment

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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 sequential (numeric) phasing plans as indicated on Drawing Nos. 58C, 59C, 60C and 61C bearing the date stamp 30th June 2022. The development hereby approved shall commence with Phase 1 and be built out sequentially thereafter. No subsequent phase of development shall be commenced unless the preceding phase has been completed and written approval issued by the Council confirming completion.

Reason: To ensure the orderly development of the site.

3. The proposed public realm areas of open space as indicated on the Drawing No. 64 bearing the date stamp 28 January 2020 shall be laid out in accordance with Drawing Nos. 64, 65, 66, 67, and 68, bearing the date stamp 28 January 2020 and in accordance with the timing as set out in the above phasing plans. The public realm



areas of open space within Phases 1 and 2 shall be completed prior to the occupation of any residential unit in Phase 2. 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 date stamp 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 Drawing No. 63 bearing the date stamp 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 by the Council, prior to the occupation/operation of the development. These public realm areas of open space shall be completed in accordance with the approved plans prior to occupation of the residential units in Phase 2 and prior to operation of the hotel, offices and culture/leisure facilities in Phase 3.

Reason: To ensure the provision and maintenance of open space within the development, including provision of appropriate access.

6. No development including site clearance works, lopping, topping, felling of trees or trucking machinery over tree roots shall take place with the exception of the establishment of the two site compounds as shown on phasing Drawing No. 58C bearing the date stamp 30 June 2022 until full details of both the 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 Nos. 58C, 59C, 60C and 61C bearing the date stamp 30 June 2022. The works as approved shall be completed during the first available planting season following completion of each 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 and management plan including long term design objectives, performance indicators, management responsibilities, and maintenance schedules for the areas of open space and public realm indicated hatched red and purple on Drawing No. 63 bearing the date stamp 28 January 2020, shall be submitted to and agreed in writing 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. Prior to the commencement of each phase of development with the exception of ground preparation, site investigation works, vegetation clearance, or any archaeological works required under conditions 17 and 18, no works 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 of each phase, as indicated on Drawing No. 64 bearing the date stamp 28 January 2020, have been submitted to and approved in writing 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 when measured from finished floor level and a maximum internal floor space of 200 sqm. Details of the design and finishes shall be submitted to and approved in writing by the Council prior to commencement of construction of either of the pavilion buildings. The development shall be carried out in accordance with the details as subsequently approved.

Reason: In the interest of visual amenity and to ensure that the building 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 20 sqm and the footprint of the shelters hereby approved shall not exceed 32sqm. Details of the design and finishes shall be submitted to and approved in writing by the Council prior to commencement of construction of the kiosks and shelters. The development shall be carried out in accordance with the details as subsequently approved.

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

13. Prior to the commencement of development within Phase 2 and onwards, 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 Drawing Nos. 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 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.

16. No development, including ground preparation or vegetation clearance, shall take place, with the exception of the establishment of the two site compounds and any archaeological works required under conditions 17 and 18 as shown on Phasing Drawing No. 58C bearing the date stamp 30 June 2022 and any archaeological works required under conditions 17 and 18 below, 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;
- (b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction material, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- (c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- (d) Water Quality Monitoring Plan;
- (e) Environmental Emergency Plan;
- (f) Details of appropriate mitigation measures to protect hedgehogs;
- (g) Details of updated Japanese knotweed surveys to be carried out and any necessary mitigation and/or management measures required;
- (h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.
- (i) A Construction Event Management Plan and Construction Site Traffic Management Plan.

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, and submitted to and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to



publication standard if necessary; and

- Preparation of the digital, documentary and material archive for deposition.

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

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 the Council; within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

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 has been submitted to and agreed in writing by the Council. This strategy shall 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. In the event that contamination or risks not previously considered are encountered during any of the approved development phases, all works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) 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 by the Council in writing, and subsequently implemented and verified to its satisfaction. Development on the phase within which the contamination is identified shall only re-commence upon receipt of the Council's agreement in writing to the Remediation Strategy and implemented thereafter in accordance with the detail of the Remediation Strategy.

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

23. After completing the remediation works under conditions 21 and 22; and prior to occupation of the development, a verification report shall be submitted to and agreed in writing by 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 shall commence on this site until a piling risk assessment has been submitted to and agreed in writing by the Council. Piling risk assessments should be undertaken in accordance with current best practice.

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, 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-19.00 hrs, Saturdays - 08.00 hrs-13.00 hrs 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 shall be kept for inspection by the Council.

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

28. Prior to the commencement of development in each phase, a construction barrier shall be erected around the perimeter of the site which shall provide a least 10dB reduction in noise levels and retained until the relevant Phase is complete.

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 prior to occupation and shall be permanently retained thereafter.

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 prior to occupation and shall be permanently retained thereafter.

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

31. Prior to the commencement of operation of each commercial/retail unit, details of location and specification all plant and equipment to be used in connection with the commercial/retail units shall be submitted to and agreed in writing by the Council. 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 of Queens Parade, Bangor, prepared by RPS, referenced NI2123 17th December 2019. The development shall be carried out 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.

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 prior to the commencement of operation and shall be permanently retained thereafter.

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 prior to the commencement of operation and shall be permanently retained thereafter.

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 prior to the commencement of operation and shall be permanently retained thereafter.

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 prior to the commencement of operation and shall be permanently retained thereafter.

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

36. Prior to the commencement of operation of the hotel, details of the location and specification of all plant and equipment to be used in connection with the hotel shall be submitted to and approved in writing by the Council. 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. The development shall be carried out 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

37. The details of the specific sound insulation/design measures and noise control measures for the cinema shall be submitted to and approved in writing by the Council, prior to the commencement of development of the cinema. The development shall be carried out in accordance with the approved details.

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

38. Prior to the commencement of development, a dust management plan shall be submitted to and agreed in writing by the Council. This should 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 38 above shall be implemented, controlled and managed, with all records held on-site and made available to the Council if required.

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

40. Prior to installation, full details and specification of all combustion units to be installed are to be submitted to and approved in writing by the Council (in consultation with its Environmental Health Department). All installations as approved shall 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 ensure nearby residents and future occupants of the apartments and patrons of the hotel are not adversely affected by noise.

41. Prior to commencement of any tenant fit out, for each unit or part thereof, full details and specifications of extract ventilation and odour control shall be submitted to and approved by the Council in writing (in consultation with its Environmental Health Department) prior to installation. All installations shall be completed and commissioned in accordance with the approved details prior to occupation/commencement of use and shall 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.

42. 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/Bank Holidays.

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

43. Prior to the commencement of any development hereby approved, with the exception of the establishment of the two site compounds as shown on Drawing No. 58C bearing the date stamp 30 June 2022 and any archaeological works required under conditions 17 and 18 above, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS15 shall be submitted to and approved in writing by the Council.

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

44. Prior to the commencement of any works on site with the exception of the establishment of the two site compounds as shown on Drawing No. 58C bearing the



date stamp 30 June 2022 and any archaeological works required under conditions 17 and 18 above, 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.

45. No development activity, including ground preparation or vegetation clearance, shall take place with the exception of the establishment of the two site compounds indicated on Drawing No. 58C bearing the date stamp 30 June 2022 and any archaeological works as required by conditions 17 and 18 above, 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 Council. 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 Council. 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

46. No vegetation clearance or building demolition shall take place between 01 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds 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 six weeks of works commencing.

Reason: To protect breeding birds.



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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.82 bearing the date stamp 24 May 2021.

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.

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

Prior to development in each phase becoming operational/occupied, the works necessary for the improvement of a public road shall be completed in accordance with the phasing particulars outlined below and the works outlined in blue on Drawing No. 82 bearing the date stamp 24 May 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Phase 1

- Footway works - connection to Marine Gardens at Queen's Parade/Bridge Street junction and at Trinity Way connection to Main Street.
- Carriageway works at Trinity Way/Main Street junction to create a new vehicular egress route onto Main Street.
- Improvements to the kerb line radii and loading bay amendments to Main Street/King Street junction.

Phase 2

- Southwell Road widened and made two-way between Primrose Street and Queen's Parade/Grays Hill/Southwell Rd mini roundabout junction to allow creation of basement car park access.
- Works to King Street footway to allow creation of private residential courtyard.
- Marking of loading bays to western section of Queen's Parade.
- Marking of disabled parking bays on Queen's Parade.

Phase 3

- Raised table on Queen's Parade at end of Phase 3.
- Loading bays marked out to eastern section of Queen's Parade.

Phase 4

- Works to King Street footway and final surfacing to The Vennel.

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

49. 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 Nos. 58C (Phase 1), 59C (Phase 2), 60C (Phase 3) and 61C (Phase 4) bearing the date stamp 30 June 2022 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.

50. 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 8-2 of the Transport Assessment bearing the date stamp 10 February 2020. 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.

51. 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 10 February 2020. 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.

52. The development hereby permitted shall operate in accordance with the Service Management Plan bearing the date stamp 10 February 2020.

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. Refuse collection for the development hereby approved shall be carried out utilising Eurobins or such other bin as approved by the Council in writing. Details of the final management arrangement 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 arrangement 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.

54. 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 Nos. 58C (Phase 1), 59C (Phase 2), 60C (Phase 3) and 61C (Phase 4) bearing the date stamp 30 June 2022 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.

55. The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10m 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 interest of road safety and the convenience of road users.

56. 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. Any out workings of the safety audit shall be submitted to and approved in writing by the Council (in consultation with DFI Roads) with Stage 1 and 2 Audits being prior to the commencement of development with the exception of the establishment of the two site compounds as shown in Phasing Drawing No. 58C bearing the date stamp 30 June 2022.

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

57. Details of the temporary structure required to enclose the undercroft car park, and screening/safety structures adjacent to the proposed retail units, and steps required to be constructed within Phase 2 of the development, as indicated on Drawing No.59C bearing the date stamp 30 June 2022, shall be submitted to and approved in writing by the Council prior to the commencement of Phase 2. The structures as approved shall be erected prior to the occupation/operation of any of the residential or retail uses within Phase 2 and shall be removed prior to the occupation/operation of any part of Phase 3.

Reason: In the interests of site safety and visual amenity

58. The proposed lift as indicated on Drawing No. 25 bearing the date stamp 28 January 2020 shall be installed and fully functional prior to the occupation/operation of any of the residential or retail uses within Phase 2 and shall be permanently retained thereafter.

Reason: To ensure the provision of suitable means of alternative access to the development between the Market Place and Queen's Parade.



Informatives

1. This approval is subject to a Planning Agreement prepared under Section 76 of the Planning Act (Northern Ireland) 2011.
2. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.

Dated: 29th September 2022

Authorised Officer

