

January 17th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Monday, 20th January 2025 at 7:00 pm**
in **Hybrid - Church Street, Newtownards & via Zoom.**

Agenda

Agenda

📄 PC 20.01.2025.pdf

Page 1

1. Apologies
2. Declarations of Interest
3. **Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards.**

LA06/2019/1046/0

Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards.

Residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types.

The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road.

A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works.

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Attending with Mr Worthington, but not speaking:

Basil O'Malley (Fraser Homes)

Andrew Coulter (architect)

John Boyle (RPS engineers)

Sheila Davidson (public engagement consultant)









 <i>Item 3.1 - Executive summary.pdf</i>	<i>Page 3</i>
 <i>Item 3.1a - Case Officer Report.pdf</i>	<i>Page 6</i>
 <i>Item 3.1b - Annex 1 Phasing Plan.pdf</i>	<i>Page 66</i>
 <i>Item 3.1c - Annex 2 Concept Masterplan.pdf</i>	<i>Page 67</i>
 <i>Item 3.1d - Annex 3 Concept Landscape Masterplan - 13.01.2025.pdf</i>	<i>Page 68</i>
 <i>Item 3.1. - Addendum to COR - LA06 2019 1046 O (003).pdf</i>	<i>Page 69</i>
 <i>MR D WORTHINGTON - AGENT - Bowtown - Planning Committee Speaking Note.pdf</i>	<i>Not included</i>

4. Item Withdrawn

ITEM 5 “IN CONFIDENCE”

5. Local Development Plan – draft Plan Strategy

Report attached

 <i>Item 5 - LDP Draft Plan Strategy.pdf</i>	<i>Not included</i>
 <i>Item 5 Table A.pdf</i>	<i>Not included</i>
 <i>Item 5a - Part 1 Intro DPS.pdf</i>	<i>Not included</i>
 <i>Item 5b - Planning Agreements, Climate, General Principles.pdf</i>	<i>Not included</i>
 <i>Item 5c - Spatial Growth Strategy.pdf</i>	<i>Not included</i>
 <i>Item 5d - Countryside Strategy.pdf</i>	<i>Not included</i>
 <i>Item 5e - Social Chapter.pdf</i>	<i>Not included</i>
 <i>Item 5f - Economic Chapter.pdf</i>	<i>Not included</i>

- Item 5g - Environment Chapter.pdf** **Not included**
- Item 5h - Infrastructure Chapter.pdf** **Not included**
- Item 5i - Draft Index for use with paper.pdf** **Not included**
- Item 5j - Draft PS Abbreviations and Glossary draft.pdf** **Not included**

ARDS AND NORTH DOWN BOROUGH COUNCIL

13 January 2025

Dear Sir/Madam

You are hereby invited to attend a Special hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Monday 20 January**, commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

AGENDA

1. Apologies
2. Declarations of Interest
3. Planning Application

3.1	LA06/2019/1046/0	<p>Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards.</p> <ul style="list-style-type: none"> • Residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types. • The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road. • A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works.
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		<p><u>Persons speaking in support of the application</u></p> <p>Mr David Worthington (agent - Pragma Planning)</p> <p>Attending with Mr Worthington, but not speaking: Basil O’Malley (Fraser Homes) Andrew Coulter (architect) John Boyle (RPS engineers) Sheila Davidson (public engagement consultant)</p>
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4. Item Withdrawn

ITEM 5 “IN CONFIDENCE”

5. Local Development Plan – draft Plan Strategy

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum
Alderman Graham	Alderman McDowell
Councillor Harbinson	Alderman McIlveen (Chair)
Councillor Hennessy	Councillor McKee
Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Councillor McBurney	Alderman Smith
Councillor McClean	Councillor Wray (Vice Chair)


ITEM 3.1

Ards and North Down Borough Council

Application Ref	LA06/2019/1046/O
Proposal	Site for residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types. The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road. A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works.
Location	Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards DEA: Ards Peninsula
Committee Interest	Major Application
Validated	28/02/2020
Summary	<ul style="list-style-type: none"> • The application is accompanied by an Environmental Statement (ES) received July 2021. • The site includes 33.73 hectares of land zoned for Housing (NS19) and 7.32 hectares of land zoned as Amenity, Open Space and Recreation (NS43) in the Ards and Down Area Plan 2015. • The Plan states that development of the NS19 housing zoning will only be permitted in accordance with an agreed comprehensive scheme that will incorporate the neighbouring Amenity Open Space (NS43) and provide the necessary public infrastructure required to serve these lands. • The major housing zonings in eastern Newtownards (NS19, NS 20 and NS21) will together provide a link road between Bowtown Road and Bangor Road. The road will be to distributor road standards and must be implemented at the expense of the developers of the zoned lands. • The proposal seeks to replace the existing Ballyreagh Road with a new distributor road to connect Bowtown Road with Movilla Road.

	<ul style="list-style-type: none">• Any future abandonment/stopping up of the existing Ballyreagh Road is beyond the remit of the planning process and is the responsibility of the Department for Infrastructure under The Roads (NI) Order 1993.• A segregated greenway through the application site is proposed to facilitate a move towards a more sustainable form of transport.• The Transport Assessment (TA) concludes all junctions on the surrounding highway network have the capacity to accommodate the proposed development with the exception of the Donaghadee Road and Movilla Road junction. It is proposed to signalise this junction.• DFI Roads has provided no objection to the application, subject to the proposed off-site mitigation being secured.• The density equates to 20 dwellings per hectare which satisfies the minimum density for the zoning stipulated in the Development Plan.• In accordance with PPS 7 Policy QD1, adequate provision has been made for local neighbourhood facilities. The proposal includes a local neighbourhood centre to provide locally accessible convenience goods and services to meet the day-to-day needs of the growing population in Eastern Newtownards.• The application proposes approximately 10.2ha of public open space (including play areas) which exceeds the recommended provision of 15% of the total site area detailed in Policy OS2 of PPS8.• The Concept Landscape Masterplan shows that four equipped play areas and a MUGA will be provided as an integral part of the residential development to provide safe opportunities for children's play.• A portion of the site is affected by the 1 in 100-year fluvial floodplain and the climate change floodplain. This is associated with a culverted watercourse that runs through the site. The Applicant proposes to alleviate flood risk within the site through the upgrade of the existing culvert. The Flood Risk Assessment concludes that there will be no increased risk of flood risk elsewhere as a result of this upgrade. DFI Rivers has provided no objection to the application.• The site has been subject to extensive ecological surveys for bats, badgers and breeding birds. NIEA Natural Environment Division has reviewed the ES/associated Appendices and provides no objection to the proposed development subject to mitigation to safeguard protected species and other natural heritage interests.• The Habitats Regulations Assessment (HRA Report), prepared by Shared Environmental Service, concludes that, provided the proposed mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.• It is considered that the orderly development of the zoned lands can only be properly secured through a Section 76 Planning Agreement and that such an agreement will help deliver the comprehensive development of NS19 and avoid piecemeal development and also secure the development of the zoning in accordance with the Development Plan. (Such an agreement
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	<p>was also associated with the approvals relating to Housing Zoning NS 20 (Rivenwood development to the north of this Zoning)</p> <ul style="list-style-type: none"> • Planning Officers seek delegated authority to negotiate and execute the Planning Agreement as a deed prior to the issuance of any planning permission. • 11 objections have been received from nine separate addresses. Matters raised in objection letters relate primarily to the principle of development, impact on the character of the area, impact on traffic, replacement of existing Ballyreagh Road with new distributor road and impact on residential amenity. All material considerations raised in objection letters have been considered in detail in the Case Officer Report.
<p>Recommendation</p>	<p>Grant Planning Permission</p>
<p>Attachments</p>	<p>Item 3.1a – Case officer report Item 3.1b – Annex 1 Phasing Plan Item 3.1c – Annex 2 Concept Masterplan Item 3.1d – Annex 3 Concept Landscape Masterplan</p>

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2019/1046/O	DEA: Newtownards	
Proposal:	Site for residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types. The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road. A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works.		
Location:	Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards.		
Applicant:	Fraser Homes Ltd		
Date valid:	28.02.2020	Application Accompanied by an Environmental Statement	
Date last advertised:	21.11.2024	Date last neighbour notified:	22.11.2024
Letters of Support: 0	Letters of Objection: 11 (from 9 separate addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads	No objection subject to conditions		
Natural Environment Division	No objection subject to conditions		
Water Management Unit and Inland Fisheries	No objection subject to condition		
Land and Groundwater Team	No objection subject to conditions		
Shared Environmental Service	Habitats Regulation Assessment (HRA) carried out - provided suitable mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.		
Environmental Health	No objection subject to condition		
DFI Rivers	No objection subject to condition		
NI Water	Mains sewer capacity to accommodate a portion of the development		
Historic Monuments Unit	No objection subject to conditions		
Ulster Flying Club	No response		

Summary of main issues considered:

- Principle of development and comprehensive development of NS19 zoning
- Design, visual impact and impact on character and appearance of the area
- Public open space and private amenity space
- Impact on existing and proposed residential amenity
- Access, roads safety and parking
- Archaeology and the built heritage
- Designated sites and other natural heritage interests
- Flood risk and drainage

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

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal.

(a) Site and Surrounding Area

The application site is situated at the eastern edge of the settlement of Newtownards, as shown in the Ards and Down Area Plan 2015. The site comprises of a series of agricultural fields, and a number of single dwellings and associated domestic and agricultural outbuildings. In addition, it encompasses the existing Ballyreagh Road which connects Bowtown Road to the south to Movilla Road to the north. The site is located to the east of an established residential area that defines the existing urban footprint.

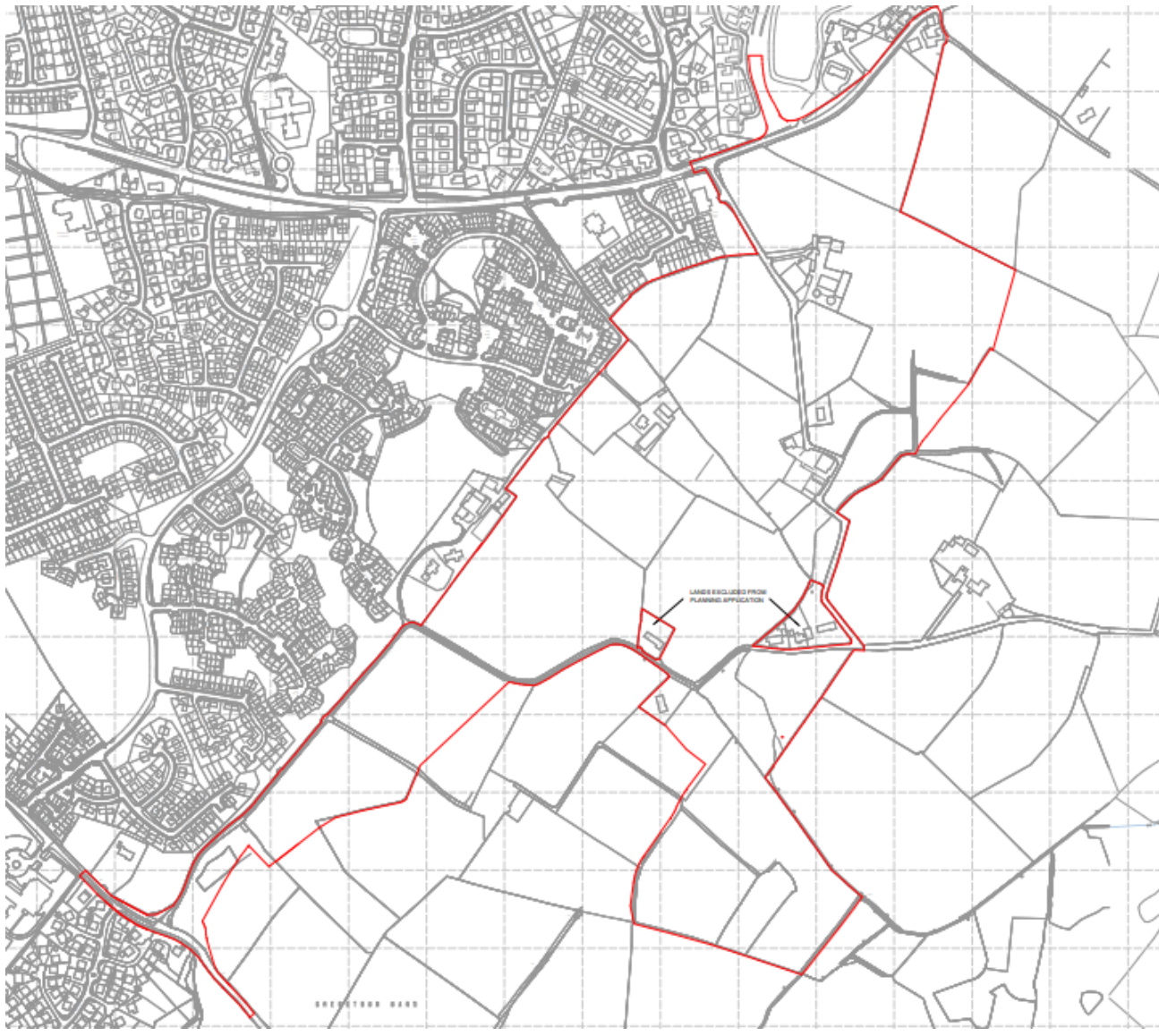
The site includes 33.73 hectares of land zoned for housing (NS19) and 7.32 hectares of land zoned as amenity open space and recreation (NS43) in the Ards and Down Area Plan 2015. Immediately to the north of the site is the NS20 housing zoning which is currently under development as 'Rivenwood'. The southernmost part of the application site is located within the boundary of Strangford and Lecale Area of Outstanding Natural Beauty (AONB). A small portion of the site is also located within Local Landscape Policy Area 6 (LLPA 6) 'Drumlins and Slopes on the Bowtown Road' designated on account of its prominent drumlins and mature trees. The site is approximately 650m from the shores of Strangford Lough.

The site comprises a low-lying and gently undulating landscape. The topographical survey shows that the land rises and falls between +35m on Bowtown Road and +55m on Movilla Road. The land rises to its highest point (approximately +58m) within the area zoned as open space (NS43). A prominent drumlin at the existing Ballyreagh Road and Bowtown Road junction marks the edge of the settlement limit.

An undesignated watercourse flows from the site's northeast boundary towards Strangford Lough. A further watercourse enters the site at the Bowtown Estate and is also hydrologically linked to Strangford Lough.

Existing agricultural fields are largely defined by native species hedgerows and there are two linear groups of mature trees on the Ballyreagh Road.

(b) Site Location Plan



(c) Relevant Planning History**NS19 Housing Zoning**

The Council is currently processing an application for full planning permission for a residential development of 93 dwellings as detailed below.

Reference LA06/2024/0436/F	Residential development of 93 dwellings (including, detached, semi-detached and apartments) and all related ancillary works including: (1) Stage 1 of the distributor link road connecting Bowtown Road to Movilla Road (replacing Ballyreagh Road); (2) a new roundabout on Bowtown Road; (3) foul sewerage infrastructure and storm drainage infrastructure; (4) Stage 1 of the greenway foot and cycle link connecting Bowtown Road with Movilla Road; and (5) public open space and landscape works.
Status	Under consideration

Planning permission has been granted for phases 1, 2, 3a and 3b of the NS20 zoning immediately to the north of the application site.

NS20 Phase 1 (Rivenwood)

Reference	LA06/2017/0398/F
Proposal	17 detached dwellings with the inclusion of garages - to replace previously approved dwellings at sites 58-74 and 95-100 (Amendment of approval X/2014/0370/F - Phase 1 of 100 houses, with part of the Eastern Distributor Road, a separate access from Movilla Road between Millford Manor and 118 Movilla Road and a 2-hectare site set aside for a future school)
Status	Permission Granted
Date	05.07.2017
Reference	LA06/2017/0340/F
Proposal	4 no. two-bedroom bungalows (House Type P) at sites 22, 23, 28 and 29 with the inclusion of garages to sites 22, 23 and 28. Change of house type from 4 no. three-bedroom semis (House Type Q) and change of plot boundaries for sites 21, 24, 31 and 32 as approved under X/2014/0370/F.
Decision	Permission Granted
Date	07.09.2017
Reference	X/2014/0370/F
Proposal	Phase one of 100 houses, with part of an Eastern Distributor Road and a separate access from the Movilla Road between Milford Manor and

	118 Movilla Road Newtownards and a 2-hectare site set aside for future school, temporarily landscaped as open space
Decision	Permission Granted
Date	15.02.2016
NS20 Phase 2	
Reference	LA06/2022/0836/F
Proposal	185 mixed townhouses, semi-detached and detached houses, with garages, housing roads and extension to Rivenwood Boulevard, with associated open spaces including an equipped play park, and including 12 apartments in a three-storey building Section 54 Application for variation of conditions of the previously approved application LA06/2017/0533/F for a residential development. Develop land without complying with conditions 2 (hard and soft landscaping); 5 (open space); 6 (play park); 8 (open space management); 9 (planting); and 10 (trees) (seeking change to stamped approved drawing references following amendments to SuDS pond design).
Status	Under Consideration
Reference	LA06/2022/0839/F
Proposal	11 dwellings Section 54 Application for variation of condition 2 (hard and soft landscaping) of approved application LA06/2020/0682/F for an updated layout in respect of the SuDS Pond.
Status	Under Consideration
Reference	LA06/2020/0867/F
Proposal	Erection of 4 dwellings - Amendment of previously approved application LA06/2017/0533/F to change house type on sites 260, 261, 264 and 265.
Status	Permission Granted
Date	12.02.2021
Reference	LA06/2020/0682/F
Proposal	11 dwellings (Change of house type from 13 dwellings previously approved under LA06/2017/0533/F - net reduction of 2 dwellings - omitting those dwellings previously approved as sites 207 and 208). Change of house types to approved sites 200, 202, 204, 206, 209, 219, 220, 223, 224, 279 & 280. Also including the creation of gated and fenced access lane (including low retaining wall) between sites 196 and 200 for the maintenance of open space and SUDS drainage facility
Decision	Approval
Date	07.10.2021
Reference	LA06/2019/0460/F
Proposal	8 no. dwellings - 4 no. dwellings at sites formerly numbered as 235 and 238 to become sites nos. 233, 234, 235 and 236; and change of house types to 3 no. dwellings at site nos. 174, 175 and 233 and retrospective

	permission for a change of house type to site 155. Amendment to previously approved application LA06/2017/0533/F
Decision	Permission Granted
Date	07.11.2019
Reference	LA06/2017/0533/F
	185 (amended number) mixed townhouses, semi-detached and detached houses, with garages, housing roads and extension to Rivenwood Boulevard, with associated open spaces including an equipped play park, and including 12 apartments in a three-storey building
Decision	Permission Granted
Date	16.04.2019

NS20 Phases 3a & 3b

Reference	LA06/2021/0061/F
Proposal	Proposed residential development comprising the erection of 188 dwellings, open space (including NS 43), landscaping, children's play area, next phase of the distributor road, internal road network, SuDS Pond, and all associated site and access works and proposed amendment of the section 76 planning agreement
Decision	Permission Granted
Date	03.11.2023
Reference	LA06/2023/2428/F
Proposal	5 dwellings with garages and access road. (Change of house type from three storey building for 12 apartments, approved under ref: LA06/2017/0533/F)
Decision	Permission Granted
Date	17.10.2024

The following current planning application is for the provision of a new roundabout on Movilla Road to replace the existing signalised junction which currently serves the development in the NS20 zoning.

Reference	LA06/2022/0681/F
Proposal	Junction improvement works consisting of provision of new roundabout (40 metre diameter); amendments to lane positions and footways, including provision of a combined foot/cycleway and associated landscaping to replace existing traffic light junction (to serve existing and proposed development in NS20 housing zoning to the north (Rivenwood) and the future development of the NS19 housing zoning to the south of Movilla Road (Ref: LA06/2019/1046/O))
Status	Under consideration

The following application relates to land on the opposite site of the Movilla Road to the NS19 zoning and involves a minor amendment to the boundary of the NS20 housing zoning.

LA06/2022/0324/F	5 detached two storey houses, 2 No. semi-detached two storey houses and 1 No. detached single storey house. New access to Movilla Road and improved sight line across the frontage of 120 Movilla Road. Adaption of a previously approved access and the alteration of the boundary of a site set aside for future school use approved under Ref X/2014/0370/F.	118 Movilla Road and lands between 118 Movilla Road and 1 Millford Manor, Newtownards	Planning Permission Granted 19.10.2023
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NS21 Housing Zoning (North of NS20 Housing zoning) ('Beverley Garden Village')

NS21 benefits from a long history of planning approvals for a residential housing development including a distributor road to connect a signalised junction on Bangor Road with a roundabout on Donaghadee Road.

A Section 54 planning application (LA06/2023/2248/F) was recently approved in October 2024. This permission amended planning permission LA06/2020/0333/F which amended planning permission LA06/2017/0205/F which had in turn amended the original outline approval X/2011/0247/O and reserved matters consents X/2014/0280/RM (Phase 1B) and LA06/2015/0935/RM (Phase 2) granted thereunder. A Certificate of Proposed Lawful Development (CLOPUD) was issued by the Council in February 2021 to certify that permission LA06/2020/0333/F could be lawfully completed in accordance with the planning permission (LA06/2020/0795/LDP). Construction of this development is currently on-going.

The following approved application for a single house on land to the south and east of the application site, and outside the NS19 zoning, is material to the determination of this application, and will be taken into account when assessing the residential amenity impacts of the proposed development.

LA06/2019/0699/F	New dwelling - change of house type from previous approval - X/2010/0168/F	Woodburn, 17 Ballyreagh Road, Newtownards	Approved 14.04.2021
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(d) Planning Assessment

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

- Ards & Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 13: Transportation and Land Use
- Planning Policy Statement 15: Revised – Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

- Living Places
- Creating Places
- DCAN 8: Housing in Existing Urban Areas

The Planning (Environmental Impact Assessment) Regulations NI 2017

The application is accompanied by an Environmental Statement (ES) (received July 2021).

Regulation 24(1) of the 2017 EIA Regulations states that when determining an EIA application, the Council shall—

- (a) examine the environmental information;
- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, its own supplementary examination;
- (c) integrate that reasoned conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- (d) if planning permission is to be granted, consider whether it is appropriate to attach conditions or impose monitoring measures.

Accordingly, key elements of the ES, further information and comments made by the consultee bodies are considered in this report to allow a reasoned conclusion to be reached. Planning conditions have been recommended as part of any potential approval

of the application to prevent any significant effects that may otherwise arise as a result of the proposed development.

It is also recommended that the Council, in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and in accordance with its duty under Regulation 43, adopt the Habitats Regulations Assessment (HRA report), and conclusions therein, prepared by Shared Environmental Service, which concludes that, provided the proposed mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Pre-Community Consultation

The application falls within the category of major development. Therefore, the Applicant was required to carry out pre-community consultation (PACC) in accordance with Section 27 of the 2011 Planning Act. An independent consultation consultancy (TCI Engagement) was appointed to undertake the PACC and prepare the Report. The PACC Report details that a wide range of engagement methods were employed. An advert was placed in the Newtownards Chronicle on Thursday 8 November 2018 inviting members of the public to attend the community consultation event on Thursday 22 November at Ards Leisure Centre. Targeted leaflet drops and social media advertising also took place. In addition, a series of meetings were conducted with a range of local stakeholders including elected representatives, community groups, businesses and other organisations.

Having reviewed the PACC Report, I am satisfied that the PACC was meaningful and in accordance with statutory requirements and current best practice. The PACC Report states that the scheme was amended where possible in response to a number of concerns raised.

The Ards and Down Area Plan 2015

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that 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.

The Ards and Down Area Plan 2015 (ADAP) contains a strategic policy to link the delivery of major road schemes with the delivery of housing (Policy TRAN 2). The major housing zonings in eastern Newtownards (NS19, NS 20 and NS21) will together provide a link road between Bowtown Road and Bangor Road. The road must be built to distributor road standards and must be implemented at the expense of the developers of the zoned lands. In accordance with Policy TRAN 2, development proposals reliant on the construction of roads schemes will not be permitted in advance of the road scheme being completed to an appropriate stage.

The Plan also provides for a publicly funded road link between Bowtown Road and Portaferry Road which will facilitate the movement of west and south bound traffic via the Southern Link Road (NS36 Bowtown Road - Portaferry Road link). This road would connect with the developer funded distributor roads within the housing zonings linking through to Bangor Road.

The Plan states that development of the NS19 housing zoning will only be permitted in accordance with an agreed comprehensive scheme that will incorporate the neighbouring amenity open space (NS43) and provide the necessary public infrastructure, including, inter alia, the roads required to serve these lands.

Key Design Considerations (KDC) for the NS19 zoning listed in the Development Plan specify:

- A minimum of 20 and a maximum of 25 dwellings per hectare.
- Development to be phased to begin at the southern end of the site.
- Phasing of housing development in relation to infrastructure works.
- Ballyreagh Road to be upgraded to Distributor Road standards or realigned and will provide a link from the Bowtown Road (near the existing junction) to the Movilla Road. The road will terminate at a roundabout on the Movilla Road which will also incorporate the Movilla Road/Donaghadee Road link.
- Pedestrian and cycleway links to Movilla Road and Bowtown Road.
- The boundaries adjacent to the countryside and LLPA to be landscaped with an 8-10m deep belt of trees to provide screening for the development and help integrate it with the countryside.
- Landscape survey to identify trees for retention where possible.
- Existing mature vegetation and trees along the eastern perimeter of the zoning to be enhanced to provide 8-10m landscaped buffer.
- Positive management and arrangements to protect open space, and landscaping.
- The seven mature trees on the western edge of the Ballyreagh Road and opposite No.55 Ballyreagh Road, and the cluster of mature trees between No. 53 and 54 Ballyreagh Road to be retained.
- Layout designed to provide maximum permeability by bus services.

A Concept Master Plan (CMP) illustrating how the comprehensive development of the NS19 zoning would be undertaken has been submitted as part of the current Outline planning application and is appended to this report.

The CMP shows the replacement of the existing Ballyreagh Road with a new distributor road. The NS19 distributor road will provide a link between Bowtown Road (near the existing junction) to a roundabout on Movilla Road which will also connect to the Rivenwood housing development (NS20). In accordance with the KDC for the zoning, the proposed NS19 distributor road will allow for bus permeability and will incorporate a 2.0m footway on each side of the carriageway. In addition, a segregated greenway for pedestrians and cyclists will be provided facilitating a move towards a more sustainable form of transport. The greenway will extend from the existing Ballyreagh Road/Bowtown Road junction (northeast of the proposed roundabout junction) and along the eastern periphery of the NS43 area of Open Space towards the entrance to Hillmount Garden Centre which is accessed off the existing Ballyreagh Road (close to its junction with Movilla Road).

The Plan specifies a KDC for the entire zoned site to deliver a minimum of 20 and a maximum of 25 dwellings per hectare. The density shown on the CMP equates to 20 dwellings per hectare which satisfies the minimum density stipulated in the Development Plan.

A detailed survey of all existing trees within the application site has been carried out by an arboricultural consultant on behalf of the Applicant.

As required by the Development Plan, the proposed Concept Landscape Master Plan (CLMP) identifies existing trees to be retained as an integral part of the overall layout and shows an approximately 8-metre-wide planting buffer along the rural edges of NS19. Existing trees are to be retained opposite No.55 Ballyreagh Road along the edge of the proposed area of open space. The CLMP does not propose to retain the existing trees between 53 and 54 Ballyreagh Road. The tree survey report recommends the felling of one of these trees due to its poor condition and describes the remaining trees within this group as 'unremarkable trees of little merit'.

NIEA Natural Heritage has provided no objection to the CLMP in terms of biodiversity.

The CLMP proposes substantial additional landscaping, and I consider the loss of these trees represents a minor departure from the Plan and would cause no material harm to landscape character, amenity or natural heritage interests.

The Concept Masterplan (CMP) proposes a loss of approximately 0.49ha of land designated as open space along the boundaries of NS43. The site layout demonstrates that this loss of open space will be compensated by alternative provision. This will be assessed against the provisions of Planning Policy Statement 8 Open Space and Outdoor Recreation in a subsequent section of this report.

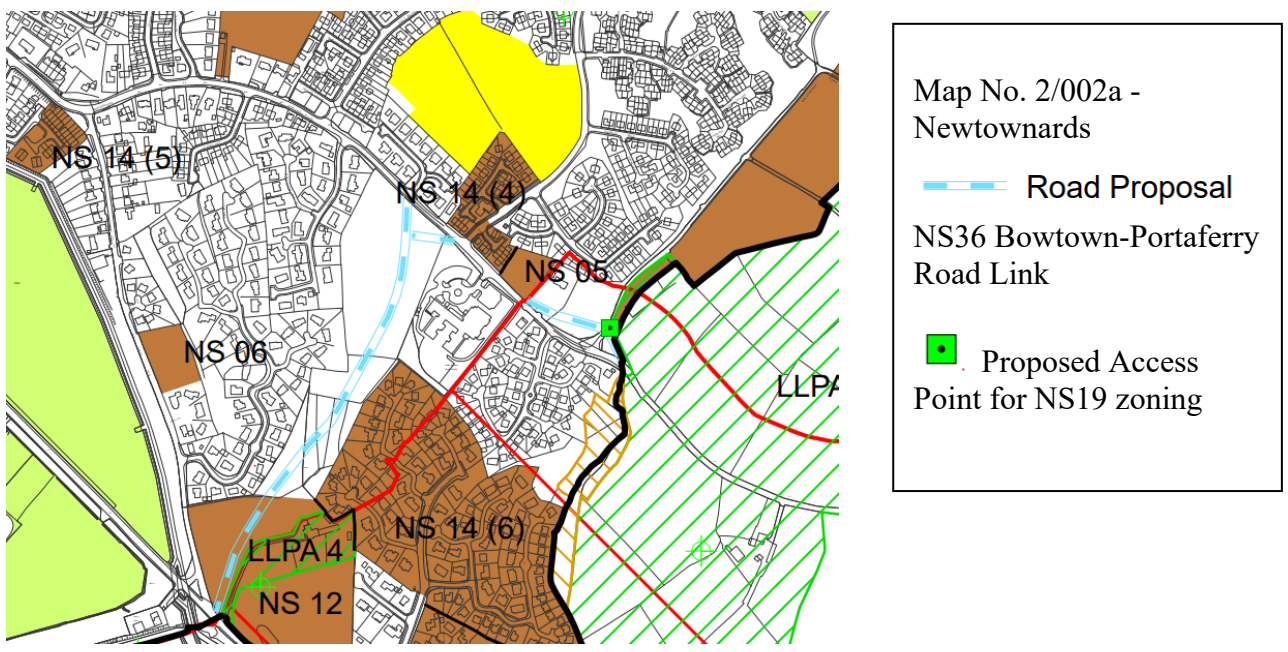
In accordance with the Development Plan, it is proposed that development will begin at the southern end of the site and that infrastructure works will be phased in relation to the quantum of houses occupied.

A small portion of the application site, close to and along the Bowtown Road, extends beyond the settlement limit of Newtownards to accommodate road infrastructure associated with the proposed scheme (see Concept Masterplan (CMP) below).

Planning Policy Statement 21 (PPS21) 'Sustainable Development in the Countryside' provides the relevant policy context for development outside settlement limits. Policy CTY1 does not list this type of development as one that is acceptable, in principle, in the countryside. In accordance with Policy CTY1 other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

A briefing note has been prepared on behalf of the Applicant, to provide justification for the proposed departure from the Development Plan. It states that the Bowtown Road junction has been designed to minimise intrusion through the creation of a compact roundabout which takes up less space and requires less earthworks than a full roundabout. The roundabout would be centred around 5 metres north of the current Bowtown Road and around 35 metres east of the centre of the existing Ballyreagh Road junction. The document explains that the purpose of adjusting the location of the access point is to gain improved geometry on Bowtown Road on approach to the roundabout from the west eliminating a bend that would have otherwise remained.

The document further states that the Development Plan does not indicate a road alignment for NS19 in order to keep the location of the road within the zoning flexible and that Map 2/00b shows a revised alignment for Bowtown Road, as part of the NS36 road scheme which has influenced the location of the access point to NS19 indicated on the map.



Map 2/00b - NS19 Concept Map identifying the location of the southern access point into the zoning. The southeastern boundary marks the settlement limit.



CMP - Road infrastructure at Bowtown Road entrance to the site.

The author asserts that the location of the NS19 access point is 'not absolute' and refers to the Key Design Considerations (KDC) for the zoning that require the link from Bowtown Road to be provided *near to the existing junction* (my emphasis). It is pointed out that the access point to NS19 at the northern end of the zoning (Movilla Road) was also moved to accommodate the approved road alignment for the NS20 housing zoning which has been constructed as part of the Rivenwood development.

As previously stated, the ADAP proposes a publicly funded road scheme under NS36 to upgrade the Bowtown Road and connect the developer funded link roads in NS19, NS20 and NS21 with the Southern Relief Road. The Plan Map 2/002a shows an indicative alignment connecting to the link road in NS19.

DFI Roads, in correspondence to the Council dated 3rd March 2022, indicated that proposals to develop the publicly funded portion of the EDR are unlikely to be brought forward in advance of the proposals for the developer-funded link roads and that the pace of delivery will be dictated by consultant capacity and future budget allocations.

The Applicant has pointed to a tension between the position of the access to NS19 shown on the Plan Map 2/002a and the delivery of the publicly funded link road. The proposed access point to NS19 is approximately 30 to 40 metres north-east of the Bowtown Road with no provision for access to the Bowtown Road other than via the NS36 road scheme. On this basis, it is asserted that the access point must be adjusted for practical purposes.

I have reviewed the Report prepared by the Planning Appeals Commission (PAC) following the Public Inquiry into objections on the Draft Ards and Down Area Plan 2015. The PAC recognised the need for a new distributor road through NS19 lands to link with Bowtown Road, a main throughfare leading towards the town centre. At Public Inquiry stage, Departmental witnesses acknowledged that the new distributor road need not follow the precise line of the existing road. It is noted in the PAC Report that the Roads Service witness advised that it may be more feasible to replace the existing road than to upgrade it along its existing line. The PAC concluded that the plans should provide for the upgrading or *realignment of Ballyreagh Road* (my emphasis).

At Draft Plan stage, the NS19 zoned lands included only the width of the existing Ballyreagh Road. The PAC report states: *'The widening of the road to distributor road status would require land outside the proposed urban limit and we believe that there is scope for a modest outward extension of the NS19 site and the settlement limit to achieve this. The extension area should be confined to that necessary to accommodate the new road line with the steeply rising contours of the land to the southeast providing a good visual stop to additional encroachment into the open countryside'*. The Adoption Statement that accompanied the publication of the Plan confirms that the Department agreed with the findings of the PAC in relation to this matter and updated the Plan accordingly.

Having regard to the Development Plan, I am satisfied that a road built to distributor road standards to connect the Bowtown Road with the Movilla Road is essential to serve the development of these lands. The road will form part of the Eastern Distributor Road that will ultimately provide a link between the Bangor Road and the Southern Relief Road. The Concept Masterplan shows that the proposed Bowtown Road roundabout is located near to the proposed access point for the NS19 zoning identified in the Development Plan. The majority of the roundabout is located within the settlement limit. The redline boundary of the site includes approximately 0.5ha of land beyond the settlement limit (excluding the existing Bowtown Road) to accommodate the full extent of the roundabout as well as a portion of the main distributor road and associated earth works. This area will also accommodate a section of the 8-10m-wide landscape buffer along the southeastern periphery of the application site which is a key site consideration for the NS19 zoning in the Plan.

The Applicant proposed a compact roundabout, and I am satisfied that the road layout has been carefully designed to limit the extent of encroachment into the rising land which forms the prominent drumlin to the southeast of the site, and in turn the development will not cause unacceptable adverse harm to visual amenity or to the character of the open countryside and the Strangford and Lecale Area of Outstanding Natural Beauty (AONB) and Local Landscape Policy Area 6 (LLPA6).

It is difficult to rule out the possibility of an alternative solution within the settlement limit; however, at the request of the Council's Planning Department, DFI Roads has considered the issue. The response from DFI Roads, received 21 January 2021, confirms that the location of the proposed road infrastructure and associated works beyond the settlement limit would be necessary from a practical and roads safety perspective given the particular characteristics of the site.

The Development Plan provides for the realignment of the Ballyreagh Road, as an alternative option to its upgrade. I attribute significant weight to the physical restrictions of the settlement limit/zoned lands at the Bowtown Road entrance to the zoning as well as to the aforementioned comments made by DFI Roads. I consider the proposed encroachment of road infrastructure beyond the settlement limit to be minor in scale. On balance, having weighed all material planning considerations, I am satisfied that the benefits of a well-designed road network to serve the zoned housing lands in eastern Newtownards outweighs this minor departure from the Development Plan.

Section 76 Planning Agreement

Section 76 of the 2011 Planning Act enables the relevant authority, that is either a Council or, the case may be, the Department, to enter into a planning agreement with any person who has an estate in land. A planning agreement is a legally binding agreement between a planning authority and person(s) with an estate in the land. A planning agreement can play a meaningful role in the development management process as a valuable mechanism for securing planning matters arising from a development proposal. Both Development Management Practice Note 21: Section 76 Planning Agreements and Planning Policy Statement 7: Quality Residential Environments, support the use of a planning agreement in such circumstances, where it is necessary to secure any local facilities and infrastructure needed as a result of the development.

The SPPS sets out the policy tests for the use of planning agreements. A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:

- is needed to enable the development to go ahead;
- will contribute to meeting the costs of providing necessary facilities in the near future;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
- is designed to secure an acceptable balance of uses;
- is designed to secure implementation of development plan policies in respect of a particular area or type of development; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

A developer will be expected to pay for, or contribute to, the cost of any infrastructure that would not have been necessary but for the development.

DFI's Development Management Practice Note 21 (DMPN 21) on Planning Agreements advises:

"When considering the use of a planning agreement, it is fundamental to assess if the agreement sought or offered is necessary in planning terms, directly related to development with a functional or geographical link and related in scale and kind to the development."

The application site is owned by several parties. In such circumstances the DMPN 21 states that "it may be appropriate to ensure that the development of the site is achieved at one time. This may be where a single access road serves the site or is to be constructed and failure of one of the owners to implement their part, or the emergence of a ransom situation could prejudice the whole development."

It is considered that the orderly development of the zoned lands, in accordance with the provisions of the Development Plan, including Policy TRAN 2, and Policy QD2 of PPS 7, can only be properly secured through a Section 76 Planning Agreement. Such an agreement, in the opinion of the Council's Planning Department, will help deliver the comprehensive development of NS19 and avoid piecemeal development contrary to Policy QD 2 and also secure the development of the zoning in accordance with the Development Plan.

As part of this agreement, it is proposed that all landowners (including the Applicant) will covenant with the Council to:

- agree with the layout and arrangement of the agreed Concept Master Plan to the extent it delineates a concept of development on the zoned lands to which they each have an interest including, but not limited to, the location and route of the distributor road passing through the zoned lands, and the location of open space as delineated on the agreed CMP;
- develop the zoned lands to which each of the developers has an interest in accordance with the agreed CMP;
- develop the zoned lands in accordance with and sequentially in the phasing order agreed with the occupation of a total number of dwellings being used to trigger delivery of infrastructure (including Distributor Road, roundabout junctions and associated road improvements, sewer infrastructure, open space, greenway, play parks and MUGA);
- obtain an Abandonment and Stopping Up Order pursuant to Articles 68 and 69 of the Roads (Northern Ireland) Order 1993 (or any such subsequent equivalent legislation) for the Ballyreagh Road to facilitate the construction of the Distributor Road.

As considered in a subsequent section of this report, the Planning Agreement will also secure the delivery of infrastructure required to address the NI Water network capacity issues affecting eastern Newtownards. All parties would covenant with the Council to deliver the main sewer through the site below the distributor road. The agreement will include an obligation to restrict the number of units that can be occupied until the Developer has submitted to the Council the requisite agreements with Northern Ireland Water

permitting the discharge of foul sewage into the sewer network and the Council, in consultation with Northern Ireland Water, has approved, in writing, the agreements.

The Planning Department is content that the Planning Agreement meets the policy tests set out in the SPPS. The road infrastructure, utility infrastructure, open space and associated play areas are directly required to serve the quantum of housing proposed on the eastern side of Newtownards. The zoned lands are in multiple ownership and a Planning Agreement would ensure that parties with an estate in the application lands will be parties to the agreement.

It is considered the proposed Planning Agreement will prevent a future ransom situation occurring and will ensure that the development of the NS19 zoning is policy and Plan compliant, avoids piecemeal development and delivers the key features of the development plan.

If the Committee resolves to approve the planning application in the context of the CMP and subject to the Planning Agreement, the Planning Department seeks delegated authority to negotiate and execute the Agreement as a deed prior to the issuance of any planning permission. The Planning Agreement will then be placed on the Statutory Charges Register as per the requirement in Section 245 of the 2011 Act. This will make the agreement a matter of public record and ensure that the provisions of the Agreement are enforceable against successive owners of the land subject to the Agreement.

It is recommended that the timeframe for commencement of development and submission of Reserved Matters Application(s) be extended (further than the normal five year timeframe for commencement) under Section 62 of the 2011 Planning Act. This is considered reasonable on account of the large scale of this major housing zoning and the nature and complexity of the associated developer obligations that must be carried out prior to the commencement of development. Such obligations include the need for developers to obtain an Abandonment or Stopping Up Order for the Ballyreagh Road outside of the planning process.

Design, Visual Impact and Impact on Character of the Area

The Abbot Drive residential estate to the west of the site is primarily characterised by medium to high density terrace and semi-detached properties, with enclosed rear gardens or amenity yards and a mixture of in-curtilage and communal parking. The recently constructed Rivenwood development, immediately to the north of the site, is a medium density development comprising primarily one and two-storey detached and semi-detached dwellings with enclosed rear gardens and in-curtilage parking.

The proposed development includes a mix of detached, semi-detached, terrace and apartment dwelling types. A mixed-use centre is also proposed including ground floor local retail units, health, childcare and community uses with residential apartments above. The proposed layout respects the pattern of development previously approved in the NS20 zoning to the north of Movilla Road and that contained in wider area.

The application is for Outline planning permission and matters relating to design, scale, height and massing of the proposed dwellings will be largely reserved for approval at Reserved Matters stage. However, it is considered necessary to impose a planning

condition to ensure detailed sectional drawings of apartment/commercial buildings are submitted at Reserved Matters stage and to restrict the maximum overall height of these buildings to 11.7m above finished ground level.

The Addendum to PPS 7 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where the proposed density is not significantly higher than that found in the locality.

The application site is not a vacant infill site surrounded by an established residential area; rather it forms part of a larger area of zoned housing land (NS19) on the edge of the settlement of Newtownards. The 2011 Act established a plan-led system for decision making. In this context, it is important to note that the Area Plan seeks a minimum of 20 and a maximum of 25 dwellings per hectare for the entire NS20 zoning.

The wider Abbot Drive estate to the west of the application site is a medium to high density development comprising primarily terrace and semi-detached dwellings. Movilla Mews to the northwest of the zoning comprises primarily terraced dwellings and has a density of approximately 29 dwellings per hectare (dph). The development at Burnreagh Park/Drive/Court has a density of approximately 23.3 dph. Larksborough Avenue and 58-64 Bowtown Road (accessed via Larksborough Avenue) has a density of approximately 42.3 dph. The approved combined density of phases 1, 2, 3a and 3b of the adjacent NS20 housing zoning is approximately 18.5 dph.

The layout shown on the CMP shows 675 dwellings on 33.73 hectares of zoned housing land which equates to approximately 20.1 dwellings per hectare. I am satisfied that the proposed density would not be significantly higher than that found within the wider area and is in accordance with Development Plan requirements.

The Regional Development Strategy 2035 (RDS) encourages the creation of balanced local communities. SPG-HOU 6 states that a variety of housing types and tenures offering choice is required to meet different needs. In accordance with Planning Policy Statement 12, planning permission will only be granted for new residential development of 25 or more units, or on sites of one hectare or more, where a mix of house types and sizes is provided.

The application is for Outline planning permission for a residential development comprising a maximum of 675 dwellings including a mix of detached/semi-detached dwellings, terrace dwellings and apartments. Provision has been made for active elderly apartments (Use Class C1). As such the proposal includes a variety of house types and will offer a wide range of housing opportunities and choices to meet local housing needs and promote the creation of a balanced community. An obligation in the Planning Agreement will secure the delivery of the elderly living apartments.

An accessible Neighbourhood Centre is proposed at the core of the development to promote the vitality of the residential neighbourhood and reduce reliance on private cars. The location of the elderly living apartments adjacent to the mixed-use centre will help meet the needs of an aging population by offering convenient access to local facilities.

The detailed plans will be considered against the space standards set out within the Addendum to PPS7 at Reserved Matters stage.

The layout has been carefully designed to facilitate the creation of a quality and sustainable form of residential development. The CMP shows several public amenity and play areas will be provided throughout the application site to meet a range of local needs and help foster a sense of community. A segregated greenway connection between the Movilla and Bowtown Road will also be provided to encourage a shift to a more sustainable form of transport.

As previously described, the application site is located on a low lying but gently undulating landscape. A Local Landscape Policy Area (LLPA 6) 'Drumlin Slopes on Bowtown Road', designated on account of its prominent drumlins and mature trees, is located immediately to the south-east of the NS19 zoning. The Strangford Lough and Lecale AONB boundary includes the south-east portion of the zoned lands. The Development Plan designates 7.32 hectares of land to the north and west of the Ballyreagh Road as proposed amenity open space and recreation. This elevated area within the proposed housing zoning is a local landmark and will provide a green backcloth to the new housing.

A BS5837 Tree Survey Report, undertaken in May 2021 by an Arboricultural Consultant on behalf of the Applicant, notes the vast majority of trees within the application site are unremarkable with relatively low potential amenity value and low landscape benefits.

In accordance with Policy QD1 the Concept Landscape Masterplan (CLMP) identifies existing hedgerows and trees that will be retained and integrated into the overall design and layout of the development. Existing mature hedgerows and trees along the perimeter of the zoning, opposite the open countryside, will be retained and enhanced with a substantial belt of native species trees, to provide screening for the development and help integrate it into the surrounding countryside. The CMP identifies and proposes to retain those trees at 55 Ballyreagh Road that are scheduled for retention in the tree survey.

The CLMP also shows significant planting throughout the site and along site boundaries to soften the visual impact of the development and assist integration. Soft landscaping will line both sides of the distributor road to create an attractive street scene. Moreover, new planting within the proposed areas of open space will create pleasant and attractive shared amenity areas for local residents.

Any approval of the application will be subject to a condition to ensure subsequent approval of a high-quality detailed landscaping scheme at Reserved Matters stage in general accordance with the CLMP.

The ES (Chapter 13) was prepared by Park Hood Chartered Landscape Architects and provides an assessment of the landscape and visual impacts of the proposed development. Appendix 13 includes detailed visualisations of the proposed development including photomontages and wireframe verification. The ES notes that the proposal will urbanise the landscape and would therefore result in permanent changes to its character. Whilst the land is currently in agricultural use, the author points out that due to the proximity of adjacent housing estates it is not an area that would be considered a pristine or sensitive landscape.

Having reviewed the ES and carried out my own site visits, I am satisfied that the main critical viewpoints have been correctly identified and include close range views along relatively short sections of the Movilla Road and the Bowtown Road, and distant views from elevated lands to the south-west of Newtownards. Photomontages of the proposed development, from the main critical viewpoints, are appended to this report.

The ES notes that, beyond the immediate site, the proposed development would not be prominent or result in significant landscape or visual impacts. Whilst the outward expansion of Newtownards would be evident from Movilla Road (viewpoint 1), it will be viewed in the context of existing built development including the newly constructed Rivenwood housing development on the opposite side of the road.

Viewpoint 3 is a close-range view adjacent to the southern edge of the application site near the Gregstown Park housing estate on Bowtown Road. This part of the application site is located within the boundary of the Strangford and Lecale AONB. Furthermore, LLPA 6 is located immediately east of NS19 zoned lands. The proposed residential development would be set back approximately 200m from Bowtown Road. Consequently, the ES notes the most evident change in this area will be the widening of the Bowtown Road and the junction improvements to connect onto the link road.

The photomontage demonstrates that development will not encroach into the most elevated part of the drumlin to the south-east of the zoning. From this viewpoint rising land will provide a natural backdrop to the proposed road infrastructure. Moreover, the natural topography of the landscape will limit views of the proposed development on approach to the site from the south-east. As it matures, the landscape buffer along the edges of the application site would further reduce views of the development and its consequent visual impacts. Therefore, it is my professional planning opinion that the development will not cause unacceptable adverse harm in terms of visual amenity or the character of the area including the AONB and LLPA 6 designations.

Views of the development will be evident on approach to the site when travelling west along Bowtown Road (viewpoint 4). However, I am satisfied that, due to the intervening landscape, the development would not appear prominent and the landscape buffer along the periphery of the site will, through time, restrict views of the proposed development.

The proposed development will be discernible from elevated areas to the west of the site including the A21 Comber Road (viewpoint 6) and Scrabo Tower (viewpoint 7). I consider that from these viewpoints the proposed development would not result in harm to landscape character or visual amenity due to the long-range nature of the views. From these elevated areas, the proposed development would form a small part of a wider panoramic view, and the proposed planting will help assimilate the development into the surrounding landscape.

When viewed from 'The Meadows' to the west of the zoning, the proposed development will be visually obscured by an intervening ridge to the west of Ballyreagh Road which contains established woodland near Greenlea Crescent. Moreover, views from the centre of Newtownards would be limited due to the existing townscape. The ES has identified a slight view along the public footpath adjacent to Newtownards Airport (viewpoint 7). Given the distance from the site and wider built form, I am satisfied that the proposed development would not cause harm to the character of the landscape when viewed from this area.

The sensitivity of the landscape and the impact of the development on visual amenity and landscape character would have been fundamental considerations taken into account when the land was zoned for housing in the Development Plan. Having considered the existing character of the site and surrounding area, I am satisfied that the proposed concept layout has been carefully designed to prevent any unacceptable adverse harm to visual amenity and landscape character. The layout has been informed by the topography of the

land and it is proposed to retain the highest parts of the slopes, to the northeast of the site, as open space (NS 43). Moreover, an approximately 8m-wide landscape buffer along the periphery of the application site (adjacent to the open countryside) will help assimilate the development into the landscape. The detailed design will be assessed in further detail as part of the Reserved Matter(s) applications.

Public Open Space/Private Amenity Space

Under PPS8 Policy OS1, there is a presumption against the loss of land zoned for the provision of open space. However, the policy goes on to state that an exception will be permitted in certain circumstances.

Whilst the proposed layout shows a loss of approximately 0.49ha of land allocated for open space along the edges of the NS43 zoning, this is compensated by approximately 0.7ha of additional land which increases the overall size of the main area of open space. In accordance with Policy OS1, it is considered that the loss of this zoned open space will have no significant detrimental impact on the amenity, character, or biodiversity of the area. The alternative provision increases the overall size of the open space and is equivalent in terms of usefulness, attractiveness, safety, and quality. No built development is proposed on the most elevated lands within the NS43 zoning.

The Concept Landscape Master Plan (CLMP) shows several other high-quality and easily accessible areas of open space distributed throughout the application site contributing to a sustainable and quality residential environment.

A segregated greenway for pedestrians and cyclists will extend from Bowtown Road along the eastern periphery of the NS43 area of open space towards the entrance to Hillmount Garden Centre. This greenway will enhance the quality and usability of the open space. The CLMP shows paths throughout each area of open space and substantial landscaping to enhance the attractiveness of the development. It is considered that the proposed open space and landscaped areas will break up the overall built form of the development. The layout ensures that there are no isolated areas of communal space within the site which are not overlooked and that could give rise to anti-social behaviour.

Policy QD1 of PPS 7 states that adequate provision should be made for public and private open space. For residential developments of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area. The incorporation of the zoned area of open space into the overall layout ensures that ample open space will be provided. The application proposes approximately 10.2ha of public open space (including play areas) which exceeds the recommended provision detailed in Policy OS2 of PPS8.

The CLMP shows that four equipped play areas will be provided as an integral part of the residential development. This comprises two 'Local Areas for Play' (LPA) measuring 0.055ha & 0.169ha respectively; a 'Neighbourhood Area Equipped for Play' (NEAP) 0.09ha; and a 'Local Equipped Area of Play' (LEAP) 0.1ha.

A Multi Use Games Area (MUGA) is also proposed providing a further complementary play facility. I am satisfied that the overall provision accords with the requirement in Policy OS2 to provide safe opportunities for children's play for residential schemes of 100 units or more.

The section 76 Planning Agreement will include covenants to secure the delivery of all shared amenity areas in a phased manner. I consider that any potential approval of the application should also be subject to conditions to secure the on-going management and maintenance of all areas of open space including the greenway, MUGA and children's play areas.

The Concept Masterplan (CMP) shows a variety of garden sizes to promote choice for future residents. In accordance with Creating Places, the CMP demonstrated that the site has the capacity to provide an average of at least 70sqm of private amenity space behind the building line, with no less than 40sqm for any individual house.

Impact on Residential Amenity

PPS 7 Policy QD1 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise, or other disturbance.

Dwellings to the north of the site will front onto the Movilla Road and an internal access road. The proposed layout and separation distance will prevent any harm to the residential amenity of existing and approved dwellings in the wider area.

The northwest boundary of the site, closest to the Bowtown Road, comprises an existing fence and hedge and is also defined by the existing Ballyreagh Road which will be altered to provide a segregated greenway through the zoned lands.

The main area of public open space will provide a substantial buffer between the proposed development and existing dwellings within the Abbot Dive estate. Existing open space beyond the application site separates the development from the rear of existing dwellings at Fairfield Place and Ballyreagh Way.

Adequate separation distances are proposed between the 2.5-3 storey apartment blocks in Phase 1 and the closest existing dwellings. No.13 Fairfield Place is approximately 40m from the closest apartment building and No.10 Ballyreagh Way is approximately 130m from the apartments as shown on the CMP.

Nos. 36, 38 and 40 Ballyreagh Road are located adjacent to the area of zoned as open space (NS43). The CLMP shows substantial woodland buffer planting is proposed adjacent to these existing houses. Any approval of the application will be subject to a condition requiring the submission and approval of a hard and soft landscaping plan and a planting schedule at Reserved Matters stage.



Extract from Concept Landscape Masterplan showing relationship between the development and the existing dwellings located at 36, 38 and 40 Ballyreagh Road and the proposed alternative access arrangements.

The existing dwellings are located a significant distance from the proposed equipped play area and MUGA within the NS43 area of open space – as follows:

- No.38 Ballyreagh Road is approximately 55m from the equipped play area;
- No.40 Ballyreagh Road is positioned closest to the apartment building to the northeast (approximately 105m);
- No.36 Ballyreagh Road is approximately 90m from the apartment building to the southwest.

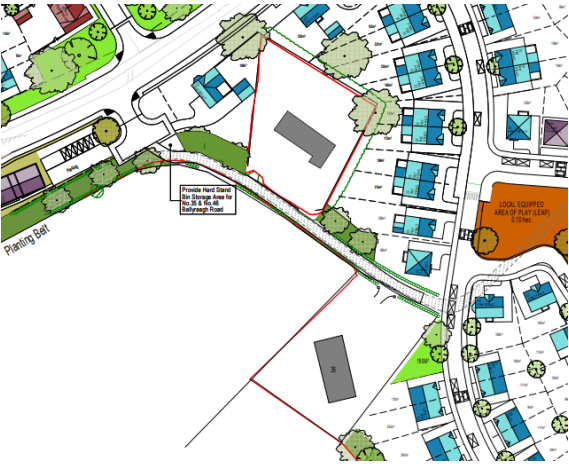
I am satisfied that the separation distances provided will prevent any unacceptable harm to existing residential amenity.

No. 48, 50, 52 & 52A Ballyreagh Road will face onto a number of dwellings proposed within Phase 5 at the opposite side of an internal access road. The CMP shows approximately 20m between the existing dwellings and the proposed dwelling opposite. The layout also provides at least 30m between No.48 Ballyreagh Road and the proposed units to the west/northwest. I am satisfied that the separation distances are adequate and that the layout on the CMP demonstrates that the proposal will cause no unacceptable adverse harm to the residential amenity of these dwellings.



Extract from CMP showing access to Nos. 48, 50, 52 and 52A Ballyreagh Road and proximity to proposed development.

The CMP shows there will be at least 25 to 40m between No.46 Ballyreagh Road and the proposed dwellings to the north and east. The proposed dwelling to the west of this property would be approximately 20m from its gable. The CMP provides 20m between the front elevation of No.35 Ballyreagh Road and the proposed dwelling to the southeast and approximately 30m to the closest proposed dwelling to the northeast.



Proposed concept layout showing development within the vicinity of No. 46 (to the north) and No. 35 Ballyreagh Road (to the south) and proposed alternative access arrangements



Concept layout showing significant separation between the application site and the group of dwellings to the south-east (17, 19, 21 & 23 Ballyreagh Road). This will prevent any unacceptable adverse harm to existing residential amenity. The layout shows access from these dwellings to the new distributor road via the internal road network.

Whilst detailed design proposals have not yet been submitted it is considered that the CMP has been designed to help safeguard the residential amenity of the existing and proposed dwellings. I am satisfied that the site has the capacity to provide adequate separation distances between existing and proposed dwellings in accordance with Creating Places standards and that this will prevent any unacceptable harm to existing or proposed residential amenity in terms of overlooking, loss of light, overshadowing, dominance or any other disturbance.

The detailed design and layout of buildings and associated residential amenity impacts will be considered in further detail at Reserved Matters stage.

Chapter 12 of the Environmental Statement (ES) states that a baseline noise monitoring survey (day and night-time) was conducted with unattended monitoring carried out at four locations within the site boundary to determine the applicable BS 5228 noise threshold limit and the potential noise impact associated with the development in accordance with British Standard (BS) 8233:2014. Weekday daytime ambient noise levels at the nearest noise sensitive property averaged 50dB LAeq and therefore Category A limit (65 dB LAeq daytime) was selected for the development.

The author further states that operating noise levels of plant/equipment which will be used for the main stages of excavation, demolition and construction have been predicted and that the assessment subsequently uses the cumulative noise level for each construction activity to predict the impact at the nearest noise sensitive receptors by using a distance attenuation calculation. Assessment of the worst case predicted levels have indicated exceedances of the noise threshold limit of 65dB at noise sensitive receptors.

The predictions are based on worst case conditions as it is assumed that all plant will operate simultaneously. Nevertheless, based on the predictions, the ES concludes there is a need for appropriate noise mitigation during the construction period. This includes the erection of a construction barrier around the proposed development which will provide at least 10db attenuation to predicted construction noise levels at all receptor locations. Construction working hours will also be restricted. I am satisfied that mitigation can be secured through planning conditions.

Chapter 12 of the ES also includes an assessment of the potential operational noise impacts for the proposed development. The ES proposes the installation of double glazing within residential units in order to meet standards specified in BS 8233 (30-33dB Rw). Any potential approval of the application will be subject to a condition requiring subsequent approval of the specification for glazing and ventilation.

As this is an application for Outline planning permission, plant and equipment associated with the retail and commercial units is not known at this stage. Therefore, noise levels have been predicted based on background noise levels. Early morning / late night deliveries by commercial vehicles can cause disturbance to nearby residents. Therefore, it is considered that mitigation will be necessary to control the timing of deliveries and prevent any significant environmental impact during night-time hours.

The Sport England Guidance on the Planning Implications of Artificial Grass Pitch Acoustics 2015 has been used to assess the potential noise impact of the MUGA. It has been demonstrated that the predicted activity noise levels at the nearest residential premises should not exceed the noise level criterion of 50dB LAeq,1 hour, or the existing ambient levels in the vicinity of the nearest residential premises.

In line with advice from the Council's Environmental Health Department, any approval of the application will be subject to conditions to prevent commercial use/hire of the MUGA and play areas. It is not considered necessary for the playparks to be closed during night-time hours. I am satisfied that the layout will ensure that the playparks will be well-overlooked to provide a degree of natural surveillance and prevent any unacceptable adverse harm to residential amenity. As an additional safeguard, I recommend a condition to prevent the use of floodlighting to discourage use at nighttime and prevent harm through light pollution.

The Council's Environmental Health Department has reviewed Chapter 12 of the ES, and the associated Noise and Vibration Impact Assessment (Appendix 12) prepared by RPS Consultants and provides no objection to the proposed development subject to implementation of the proposed mitigation.

Access, Roads Safety and Car Parking

The proposal has been assessed against PPS7 'Quality Residential Environments', Policy AMP7 of PPS3 'Access Movement and Parking' and PPS13 'Transportation and Land Use'.

The application proposes a local distributor road through the site which will provide connectivity between Bowtown Road and Movilla Road. The existing development within the NS20 zoning to the north of the site is accessed via a signalised junction on Movilla Road. The current application proposes the delivery of a four-arm roundabout to replace the existing signalised junction at Movilla Road. The local distributor road will connect to Bowtown Road via a three-arm roundabout junction. Part of the existing Ballyreagh Road will be retained as a greenway, for use by pedestrians and cyclists only, with no vehicular access. The greenway will provide a cycle connection between Movilla Road and Bowtown Road and therefore a connection to the National Cycle Network (NCN) route 99, the Strangford Lough Cycle Train which currently operates along Bowtown Road.

The ES (Chapter 10 and Appendix 10.1) provides an assessment of the transportation impacts of the proposed development. The author states that a detailed suite of traffic surveys and queue observations were undertaken on the surrounding highway network to allow the existing peak hour periods to be calculated. The AM and PM peak times for the existing road network were determined to be 08:15-09:15 and 16:30-17:30. Committed developments have been included in the baseline traffic scenario. The TRICS database was then used to determine appropriate trip rates for the proposed development.

The assessment of operational effects indicates that the additional traffic generated by the proposed development can be accommodated at all junctions on the surrounding highway network without the requirement for any offsite mitigation measures with the exception of the Donaghadee Road/Movilla Road junction. A proposal is included within the Transportation Assessment to signalise this junction. This mitigation can be secured through an obligation within the Planning Agreement.

The ES concludes that the surrounding highway is suitable to accommodate construction vehicles, and no mitigation is required for the construction phase of the development.

An area of mixed and accessible uses at the core of the development encourages the modal shift towards public transport, walking and cycling. The proposed Eastern Distributor Road will allow bus permeability, and cycleways and pedestrian footpaths will be provided to promote a shift to a more sustainable form of transport

A carparking layout and schedule has been submitted to demonstrate that the site has the capacity to accommodate adequate car parking in line with published standards. Furthermore, the proposed site is adjacent to Movilla Road, which is a highly accessible location well served by public transport. Therefore, it has been demonstrated that parking provision is compatible with policy requirements at this Outline application stage.

The statutory roads consultee, DFI Roads, has considered the proposed indicative road layout, ES and associated appendices, and it has provided no objection to the proposal based on traffic impacts, access and roads safety. The detailed internal road layout and roundabout junctions design will be reserved for approval at Reserved Matters stage.

The Ards and Down Area Plan 2015 permits an incremental approach to the delivery of the road, and it is proposed that obligations within the Planning Agreement will secure the phased delivery of the distributor road and associated roundabout junctions based on the quantum of houses occupied.

DFI Roads has confirmed it is content with the proposed phasing triggers for the delivery of the distributor road and the point in time when the road must be completed. DFI Roads is also satisfied that the proposed phasing of the development can be handled by the road network prior to completion of the distributor road.

Having reviewed all the environmental information, I am satisfied that the proposal will have no unacceptable adverse impacts in terms of access, roads safety and traffic subject to the recommended mitigation.

Archaeology and Built Heritage

Chapter 13 of the Environmental Statement (ES) provides an assessment of the impact of the proposed development on cultural heritage. A desk top survey and site inspection, carried out by a qualified archaeologist, indicated that the site is located in an area of archaeological potential, with the possibility that further archaeological or historical remains could exist below ground. On this basis the ES recommends that archaeological mitigation should be carried out prior to the commencement of development.

Historic Environment Division (HED) Historic Monuments Unit has reviewed the Archaeological Impact Assessment submitted as part of the ES and provides no objection 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 'Planning, Archaeology and the Built Heritage'.

Security from Crime

The layout, as shown on the CMP, has been designed to deter crime as the dwellings front onto the new internal road layout and there will be no isolated areas of open space that are not overlooked. This will assist natural surveillance and a sense of security within the development.

Local Neighbourhood Facilities

In accordance with PPS 7 Policy QD1, adequate provision should be made for necessary local neighbourhood facilities as an integral part of the development. The application proposes a local mixed-use centre comprising ground floor retail and retail services uses in Class A and community uses in Class D with apartments above. The CMP includes a schedule of accommodation for this part of the development - see extract below.

Plaza - Ground Floor Proposed Uses & Floorspace Schedule			
Block No.	Unit No.	Use Type	Floorspace (m2)
Block 1	Unit 1	Convenience Store - Class A1	138
Block 2	Unit 2	Coffee Shop - sui generis	138
Block 3	Unit 3	Barber/Hairdresser - Class A1	69
	Unit 4	Off Licence - Class A1	69
Block 4	Unit 5	Creche - Class D1	138
Total			552

The SPPS provides the policy context against which retail and other main town centre uses must be assessed. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location for retailing and other complementary functions consistent with the Regional Development Strategy. The SPPS states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Development Plan (LDP). The SPPS further clarifies that in the absence of a current and up-to-date LDP, applicants should prepare an assessment of need which is proportionate to support their application. Additionally, all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with a LDP, should be required to undertake a full assessment of retail impact as well as need.

Key Design Considerations pertaining to the NS20 zoning (to the north of NS19 lands) include the provision of an approximately 1.5ha site for a local neighbourhood centre. The CMP for the NS20 zoning shows the location of the future neighbourhood centre approximately 1.7km north of the mixed-use centre proposed as part of the application presently under consideration. A planning application to develop the NS20 local neighbourhood centre has not yet been submitted to the Council. The ES identifies existing local shops within the wider area including those at Stratheden Heights Local Centre (approximately 350-400m) north of the NS19 zoning and a small-scale convenience shop at Abbot Link.

Chapter 8.4 of the ES states that, once complete, the proposed development will yield a projected population of approximately 1,627 people (based on average family size for Newtownards - NISRA). Chapter 8.7 clarifies that the majority of spending power generated by the development will be pushed to the town centre and to the existing local and district centres in Newtownards. This is due to the principle of the town centre first approach, the existing levels of vacancy in the town centre and the relatively modest scale of retailing that could be supported by the proposals.

There are only two convenience goods outlets proposed (Unit 1 & 4). The combined floorspace totals 207 gross sqm. This is not considered major retail development that would warrant a full assessment of retail impact. I am satisfied that the large number of dwellings proposed would help to sustain the need for these local shops and when considered in the context of the overall application, these convenience goods shops do not constitute major retail development that warrant an assessment of quantitative and qualitative need.

Comparison goods are durable items which people are prepared to shop around for in order to compare prices and quality. They include clothes, footwear, leisurewear and bulky items

such as DIY goods, furniture, carpets and electrical/white goods. The sale of these goods is the mainstay of the town centre high streets in Newtownards. No comparison goods units are proposed in this application and a restrictive planning condition will be attached to ensure that the proposed convenience and retail service units will not be allowed to sell these items. This will ensure the spending power generated by the proposed residential development will help to support town-centre shopping.

The proposed creche and coffee shop could be fall under the definition of 'main town centres uses' as defined by the SPPS. However, they are not exclusively the preserve of town centres and when considered in the context of the overall Masterplan, they are considered to be complementary uses that will meet the local needs of the community.

Given the nature and small scale of the retail and community facilities proposed within the mixed-use centre, I am satisfied that it would provide locally accessible convenience goods and services for the growing local population and would cause no harm to the vitality and viability of Newtownards Town Centre or any other centre within the wider area. On this basis, it is considered that a sequential test is not required.

Designated Sites

As described in Chapter 6 of the Environmental Statement (ES), the site is not located within any statutory designated sites of international or national importance, but is located approximately 600m north of Strangford Lough and is hydrologically linked to the following national and international designated sites: Strangford Lough SAC, SPA & Ramsar which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); Strangford Lough Part 1 ASSI designated under the Environment Order (Northern Ireland) 2002.

The project (planning application proposal) has the potential to cause degradation of the aquatic environment and the downstream designated sites through release of polluting discharges and increased sediment laden runoff during the construction and operational phases of the development.

Chapter 6 of the ES states that, in the absence of mitigation, the proposal would likely have a Significant Negative Effect (Major Adverse) on designated sites but that the proposed mitigation measures will prevent a likely significant effect on designated sites.

The consultation response from NED states that adequate measures to manage and mitigate the flood risks associated with this proposed development are outlined in the Flood Risk Assessment. Surface water shall be directed through the proposed drainage system which will incorporate SuDS and attenuation to greenfield runoff rates.

NED notes that a Construction Environmental Management Plan (CEMP) has been included in the ES, Volume 1, Chapter 17. The CEMP proposes a 10m buffer zone between the works and the identified the watercourses and the installation of silt curtains prior to the commencement of development.

NED has reviewed the ES and associated appendices and has confirmed that subject to mitigation, including that outlined in the ES and CEMP, the proposal is unlikely to have a negative impact on designated sites.

The planning application was considered in light of the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of 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. Having considered the nature, scale, timing, duration and location of the project, SES concluded that provided suitable mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on the integrity of any European site.

Other Natural Heritage Interests

As detailed in Chapter 6 of the ES, the site has been subject to extensive surveys to inform the ecological assessment. Active Bat Surveys were carried out between May and August 2019. Emergence/re-entry surveys were carried out between May and August 2019, August - September 2020 and May - June 2021. Potential roost feature surveys were carried out in September 2020 and April/May 2021.

The bat surveys confirmed the presence of four bat roosts (and an additional probable bat roost) in buildings within the site. The ecologist observed only a single bat at any one time at these roosts and concluded that the roosts are used on an occasional basis as day roosts. Surveys identify four trees with Potential Roost Features (PRFs) that could provide suitable habitat for bats. Bat Active Surveys also identified foraging and commuting activity within the site.

Chapter 6 of the ES confirms that, with the absence of mitigation, the project would have a Significant Negative Effect (Major Adverse) on bats as a result of the destruction of bat roosts and a Significant Negative Effect (Moderate Adverse) on bats through the reduction in foraging and commuting habitat.

Proposed mitigation to protect bats and their roost includes the following:

- Retention of the four trees with bat roosting features (T1, T5, T7 and T8) as part of the overall layout for the development.
- The developer will be required to obtain a derogation licence from NIEA Wildlife Team prior to the demolition of any structures known to contain bat roosts.
- Dismantling of the roofs of the buildings containing bat roosts will be carried out using 'soft strip' methods only.
- Demolition of the buildings containing bat roosts will be restricted to periods between 15th August -1st November or 1st March – 15th May (in any year).
- Compensatory bat roosting opportunities will be incorporated into the detailed design of the development to provide alternative roosting habitat for bats and these compensatory measures shall be installed prior to the destruction of established roosts.
- Surveys to be updated as part of each phase of the development.

NIEA Natural Environment Division (NED) has reviewed mitigation measures and recommendations outlined by the ecologist in Appendix 6 of the ES and has confirmed that

it has no objection to the development subject to conditions to secure the implementation to mitigation to protect bats and their roosts.

NED welcomes the proposal to incorporate a sensitive lighting plan for the site. Artificial lighting will only be installed where and when necessary, with no direct illumination of any artificial bat roosts. NED advises that light spill on vegetated boundaries must also be minimised with no more than 1 Lux of light spill on such boundaries.

The confidential Ecological Survey for Badgers (RPS, 18/09/19) states that the Concept Masterplan has been designed to avoid the destruction of any badger sett through buffered exclusion zones around setts, as opposed to any proposed closures.

Chapter 6 of the ES states that a badger survey will be completed prior to pre-construction site clearance works, and badger activity will be monitored throughout construction works of each phase of the development. The ES also notes that a derogation licence will be obtained from NIEA for the exclusion and permanent closure of any secondary badger setts.

NED has reviewed the ES and associated appendices and has advised it is content with the proposed badger mitigation. NED recommends that any approval of the application be subject to conditions to secure implementation of this mitigation to protect badgers and their setts.

The majority of breeding birds recorded in the Breeding Bird Survey were associated with buildings and hedgerow habitat within the survey area. The site primarily consists of intensively farmed and improved grassland which is considered of low conservation interest for breeding birds. Despite its proximity to areas designated for their ornithological features, the Wintering Bird Surveys indicate that the site is not an important site for overwintering birds. No qualifying species were recorded using the site for feeding or roosting during these surveys. Furthermore, no evidence of breeding barn owls was recorded on site, and it was concluded that suitable nesting sites for barn owl within the application site are limited.

All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended) outside of the planning regime. NED has provided no objection to the proposal in terms of impact on breeding birds.

Flood Risk and Drainage

The primary aim of the Strategic Planning Policy Statement (SPPS), in relation to flood risk, is to prevent future development that may be at risk from flooding, or that may increase the risk of flooding elsewhere. A regional strategic objective for the management of flood risk is to ensure that the most up to date information on flood risk is considered when determining planning applications.

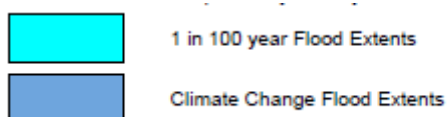
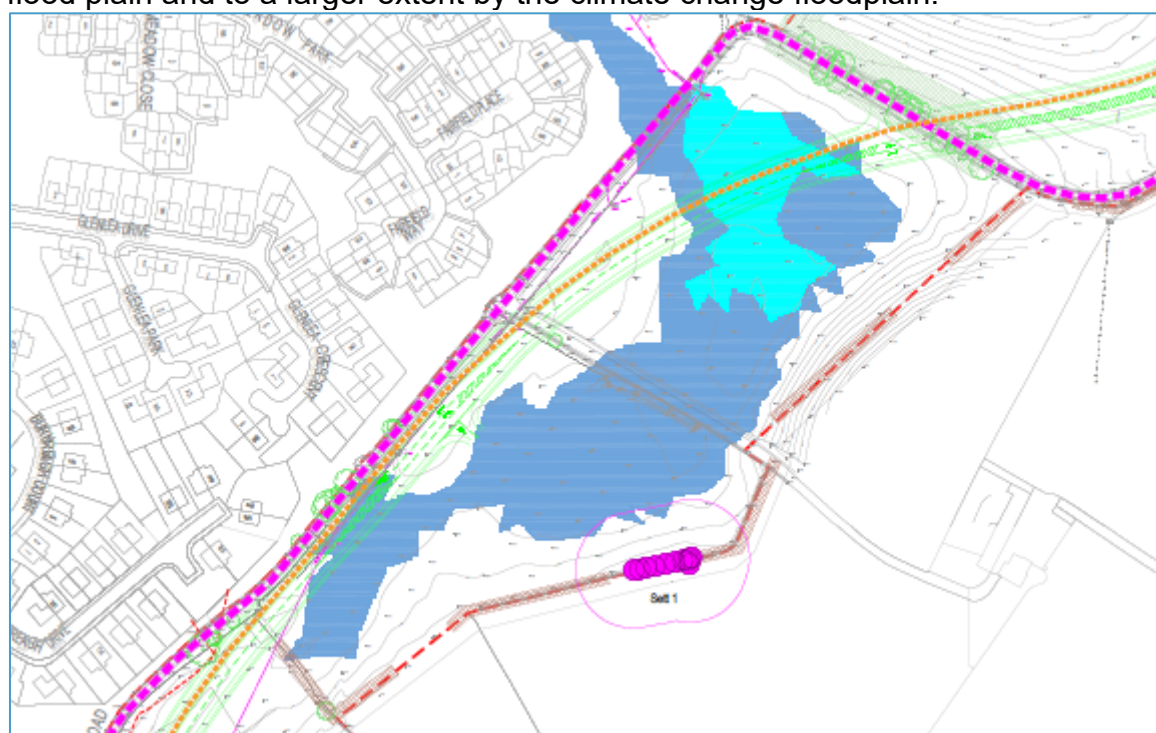
The SPPS and PPS15 Policy FLD 1 operate a presumption against development within the 1 in 100 year fluvial flood plain, or the 1 in 200 year coastal flood plain, unless the Applicant can demonstrate that the proposal constitutes one of the exceptions identified in the policy. One such exception is development in undefended areas for agricultural use, transport and utilities infrastructure, which for operational reasons must be located within the floodplain.

Where the principle of development is accepted by the planning authority, through meeting the 'Exceptions Test', the Applicant is required to submit a Flood Risk Assessment. Planning permission will only be granted if the Flood Risk Assessment demonstrates that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Policy FLD1 states that a development proposal within the floodplain that does not constitute an exception to the policy may be permitted, where it is deemed to be of overriding regional or sub regional economic importance, and meets both of the following criteria:

- Demonstration of exceptional benefit to the regional or sub-regional economy.
- Demonstration that the proposal requires a location within the flood plain and justification why possible alternative sites outside the floodplain are unsuitable.

A detailed River Model, to verify the accurate extent of the 1 in 100-year fluvial flood plain and the Climate Change floodplain, has been undertaken on behalf of the Applicant. The extract below shows the lower portion of the application site is affected by the present-day flood plain and to a larger extent by the climate change floodplain.



A supporting statement was submitted, on behalf of the Applicant, outlining why it is considered that the proposal constitutes an exception to the presumption against development in the flood plain. The statement highlights that the flooding is not natural, rather it arises from a design failure in the existing water culvert - "Two culverts merge at

the chamber where the flooding originates; the culvert leaving the chamber is undersized, cannot accommodate all of the water, and flooding results”.

The Development Plan requires provision of a road through the site, designed to distributor road standards, to connect Bowtown Road with Movilla Road. The development will also require the provision of a new trunk sewer under the line of the distributor road to serve residential development within the zoning.

I am content that the road and sewer infrastructure meets exception (d) in Policy FLD1, which allows for development in undefended areas of the flood plain for agricultural use, transport and utilities infrastructure. Given the extent of the floodplain within the southern portion of the NS19 zoning, I accept that it would be difficult to achieve any practical alternative route for the road outside of the floodplain.

DFI Rivers has referred to Section 9 of the Flood Risk Assessment which states “In order to confirm the extent of the flood plain and determine an accurate flood level for the site a computational model was constructed of the watercourse. The results of the modelling show that there is flooding within the site from one of the manholes on the culverted watercourse. It is a key requirement of the proposed scheme to realign and divert the existing culvert to deliver the road and sewerage infrastructure for this scheme. In completing this necessary work, it is possible to alleviate the risk of flooding from the development site in both the existing and climate change (2080) scenario. There is no increase in flood risk elsewhere as a result of the amendments to the culvert, in fact flood risk is reduced in upstream areas.” DfI Rivers has confirmed that while not being responsible for the preparation of the Assessment, it accepts its logic and has no reason to disagree with its conclusions.

I attribute significant weight to the circumstances outlined above including the man-made source of the flooding and the opportunity to alleviate flood risk within the site through the upgrade of the existing culvert.

Having considered the comments from DFI Rivers, I am satisfied that that the upgrade to the culvert will not result in any increased flood risk elsewhere. Whilst the development, as a whole, does not meet any of the exceptions listed in Policy FLD1, I consider that determining weight should be afforded to these other material considerations in relation to this matter. On this basis, it is my professional planning opinion that the principle of development within the floodplain is acceptable.

The site is traversed in the south-west by a watercourse within a culvert, which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and is known as the Bowtown Road Stream Extension. An undesignated open watercourse is located in the eastern portion of the site.

A Long-Section contained within the Flood Risk Assessment shows a working strip alongside the diverted culvert. To ensure compliance with Policy FLD2, any approval of the application will be subject to a condition to ensure that detailed plans provided at Reserved Matters stage include a working strip alongside the watercourses.

A Drainage Assessment has been prepared by RPS to provide an outline review of the drainage impact the proposed development. The Drainage Assessment states “The preliminary layout and calculated volumes of storage required for the 1 in 100-year event

are for guidance use only and based on ranges. Design of the storm drainage system and attenuation system are to be undertaken as part of the detailed design stage of the project”.

DfI Rivers has acknowledged that due to the size and nature of the development all the information required for a full drainage assessment is not available at this stage of the project. DfI Rivers has requested the submission of an updated Drainage Assessment at Reserved Matters stage to include final drainage plans supported by calculations and correspondence from relevant authorities.

The SPSS states that planning authorities should only permit the artificial modulation of a watercourse in exceptional circumstances where culverting of a short section of a watercourse (usually less than 10m) is necessary to provide access to a development site (or part thereof), or where necessary for engineering reasons unconnected to any development proposals. The section of the watercourse which transverses the site is already culverted and as previously stated, the upgrade and realignment of this culvert will alleviate flood risk within the application site. DfI Rivers has confirmed that the proposed culvert diversion to the Bowtown Road Stream Extension has been approved by DfI Rivers Area Office under Schedule 6 of the Drainage Order 1973. Therefore, I am satisfied that the proposed upgrade to the existing culvert is acceptable.

The Council's Planning Department is aware of the on-going wastewater capacity issues affecting new development in eastern Newtownards. NI Water has advised the Council that a strategic solution will be required to serve the development of zoned housing land (NS19 and NS20).

The original ES identified a number of strategic solutions to be delivered and funded by the developers of both NS19 and NS20 lands. An ES Addendum, received by the Council in July 2024, provides details of a new scheme to ensure a feasible wastewater management system can be achieved for the development.

The alternative proposal includes a developer-funded 300mm diameter mains sewer through NS19 lands. The sewer will extend from Movilla Road and connect with the existing 600mm diameter sewer located in the southern section of NS19. This new developer-funded sewer would serve zoned housing lands to the north of NS19. According to the Addendum, the revised scheme allows for up to 275 new homes to connect to existing NI Water infrastructure through the new sewer line. For the remaining development, NI Water will create additional network capacity through infrastructure improvements including strategic diversions. These works will be funded by the developers of NS19 and NS20 zoned housing lands.

NI Water was consulted on the proposal and confirmed to the Council that whilst the Wastewater Treatment Works (WwTW) has available capacity to accept the additional load, the existing NI Water sewer network presently has capacity for only 275 units.

It is considered that an obligation within the Section 76 Planning Agreement will prevent environmental harm arising as a result of the on-going capacity issues. Such an obligation would restrict the number of dwellings that may be occupied until the developer has submitted to the Council the requisite agreements with NI Water permitting the discharge of foul sewage into the sewer network and the Council, in consultation with NI Water, has approved in writing the agreements.

Air Quality

Chapter 9 of the ES includes details of the Air Quality Assessment carried out for both the demolition/construction and operational phases of the proposed development.

Impacts during the construction phase, such as dust generation and plant/vehicle emissions, are predicted to be of short duration. The results of the risk assessment of construction dust impacts undertaken using IAQM dust guidance, indicates that in the absence of mitigation, the risk of dust impacts would be 'medium to high', but that the implementation of specified dust mitigation measures would reduce the risk to not significant/negligible.

An assessment of the future operational-phase air quality impacts associated with traffic has been carried out. The ES has concluded that the impact on air quality from Nitrogen Dioxide and Particulate Matter is considered to be 'not significant' overall. The ES acknowledges that final details of proposed combustion units are not known at this early stage of the project.

Having reviewed the ES and associated appendices, the Council's Environmental Health Department provides no objection to the proposed development, subject to conditions to ensure the subsequent approval and implementation of a Dust Management Plan incorporating all the mitigation measures detailed in Section 9.6 of the Environmental Statement. In addition, detailed specification of the combustion systems to be used within the development will be required at detailed design stage.

Land Contamination/Pollution

A Preliminary Risk Assessment (PRA) identified the presence of localised potential sources of contamination within the site relating to a number of Above Ground Fuel Storage Tanks (ASTs) used for residential heating oil and the refuelling of farm machinery. As a result, further intrusive site investigations took place and a Generic Quantitative Risk Assessment (GQRA), and remediation strategy was prepared. The soils, and where possible the groundwaters, immediately below all the tanks were investigated and assessed as part of the GQRA. Only one tank was found to demonstrate significant contamination. A remediation strategy proposes that all contaminated soils are excavated and removed from the site. It is also recommended that all other tanks are removed prior to commencement of development.

The Council's Environmental Health Department has reviewed Chapter 7 of the ES and the PRA/GQRA included in Appendix 7 and provides no objection to the proposed development, subject to conditions to ensure effective remediation of the application site to protect human health.

NIEA Land and Ground Water Team has also reviewed the ES and associated appendices and provides no objection to the application, subject to remediation of the site to protect environmental receptors.

Chapter 7 of the ES states that a scoping exercise was carried out to identify the location of any private water supplies within the vicinity of the application site. NIEA Drinking Water

Inspectorate has considered the information provided in the ES and associated appendices and provides no objection to the application.

The consultation response from NIEA Water Management Unit (WMU) states that subject to confirmation from NI Water that it is content that both the receiving Wastewater Treatment Works (WwTWs) and the associated sewer network have the capacity to accommodate the proposed development, it has no objection to this aspect of the proposal.

Chapter 17 of the ES includes an Outline Construction Environmental Management Plan (CEMP). NIEA Water Management Unit (WMU) has reviewed the Outline CEMP and provides no objection to this aspect of the development, subject to a condition requiring the submission and agreement and subsequent implementation of a Final CEMP. WMU is content that this condition be worded to allow for a phased approach to the development.

The consultation response from NIEA Inland Fisheries states that there are two watercourses in the vicinity of the proposed development. This includes Bowtown Road Stream which flows directly into Strangford Lough and a heavily modified undesignated watercourse located along the site's eastern boundary which is hydrologically connected to Strangford Lough. Inland Fisheries has no data relating to fish stocks in these rivers but recommends a precautionary approach be taken noting that fish populations and habitat are sensitive to reductions in water quality and are particularly susceptible to siltation. NIEA Inland Fisheries provides no objection to the application, subject to a condition requiring implementation of a Final CEMP. Inland Fisheries has also requested the use of interceptors where surface water runoff is to be discharged to these watercourses.

NIEA Marine and Fisheries Division considered the impacts of the proposal and, on the basis of the information provided, confirmed that the proposal is unlikely to have a significant impact on the marine environment.

NI Electricity (NIE) Infrastructure

NIE has advised that the application site may contain High Voltage (HV) overhead lines and associated equipment, and that the proposal may (either during the course of construction and/or following completion of the proposed development) infringe on the safety clearances that are required to be maintained between NIE equipment and any building or structure. I am satisfied that this is a matter that can be resolved between the relevant parties outside of the planning application process.

Aviation Safety

The site is located within an airport height restriction zone for Ards Airport. The Council's Planning Department has attempted multiple consultations with the Airport since submission of the planning application, however no response has been forthcoming. Nevertheless, the Airport did provide comments at Pre-Application Discussion stage to confirm the development will have no direct impact on the operation of Ards Airport and it would not file an objection.

The developer is encouraged to consult the Airport prior to the use of any tall cranes during the construction period outside of the planning process.

Representations

Issues raised in letters of objection are summarised below.

- a) Absence of detailed drawings showing building design;
- b) Impact on rural character;
- c) Impact on traffic flows on the surrounding road network - Objector has queried whether a traffic survey has been carried out at peak times/school times;
- d) Replacement of existing Ballyreagh Road and future access to existing properties including 35, 36, 38 & 40 Ballyreagh Road;
- e) Boundary between existing properties and proposed area of open space;
- f) Access to cycle path – preference for access to be obtained from Bowtown Road only;
- g) Impact on existing residential amenity as a result of overlooking and light pollution;
- h) Proximity of proposed Movilla Road Roundabout to No.5 Old Forge Lane and consequential impact on residential amenity in terms of privacy, pollution and noise;
- i) Impact on natural heritage interests including protected species;
- j) Publication of ecological assessments;
- k) Capacity of existing sewerage infrastructure to accommodate the proposal;
- l) Potential impact on existing electricity and water supplies;
- m) Concern that the proposal is not in-line with the original consultation;
- n) Concern that insufficient neighbour notification has taken place;
- o) Concern that the proposed apartments could give rise to anti-social behaviour as a result of overcrowding;
- p) Impact on value of existing properties.

Matters relating to the potential impact of the proposed development on existing residential amenity, traffic, local character, impact on natural heritage interests and the capacity of the existing sewerage network to accommodate the proposed development have already been considered in detail in the main body of this report, and responses to those objection elements are not repeated here.

The NS19 zoning is within the settlement of Newtownards and is zoned as housing land in the Ards and Down Area Plan 2015. The 2011 Planning Act established a plan-led system for decision making; therefore, the principle of residential housing development on these lands has been established. It is also important to highlight that matters relating to the sensitivity and character of the landscape would have been fundamental considerations taken into account when the land was zoned for housing in the Development Plan.

In response to objection element (a) above - The application seeks Outline planning permission. The Outline planning application provides a means for the Applicant to establish whether the proposal to build on the site is acceptable, in principle, before embarking on the preparation of detailed plans in full. Detailed building designs will be reserved for subsequent approval at Reserved Matters stage.

Objection elements (d) and (h) - The proposed internal road layout has been indicated on the Concept Masterplan. As this is an Outline planning application, the width, position, and arrangement of private streets for the purpose of adopting private streets as public roads

will be considered in further detail at Reserved Matters stage in consultation with DFI Roads.

The Concept Masterplan shows alternative access arrangements for existing properties currently accessed from the existing Ballyreagh Road. DFI Roads has considered the proposed layout and has provided no objection in terms of access and roads safety.

Any planning permission to develop the zoned housing lands would relate solely to planning and would not purport to convey any other approval or consent which may be required under any other statutory purpose including for the abandonment or stopping up of the existing Ballyreagh Road. Where an approved development requires abandonment/stopping up of any part of the public road network, the developer is required to apply for an Abandonment/Stopping Up Order under The Roads (NI) Order 1993. The abandonment process may involve consultation with statutory agencies and other interested parties. This is beyond the remit of the planning process and is the responsibility of the Department for Infrastructure.

The Development Plan established the need for a roundabout on the Movilla Road to serve both NS20 and NS19 zoned housing lands. The occupant of No.05 Old Forge Lane has expressed concern in relation to residential amenity impacts as a result of the roundabout junction. The roadside boundary of No.05 Old Forge Lane comprises a mature hedge which restricts public views towards the dwelling's private amenity space.

The ES refers to the Design Manual for Roads and Bridges (DMRB) which states that it takes a 25% increase in traffic flows in order to create a 1db(A) increase in traffic noise levels. The ES further asserts that it is generally accepted that it takes an approximately 3db(A) increase in noise levels to be perceptible to the average person. The Council's Environmental Health Department has confirmed it has no objection to the proposal in terms of construction or operational noise.

An Air Quality Assessment for the proposed development has been carried out by RPS consultants. This included an assessment of the future operational-phase air quality impact of the key pollutants associated with the development traffic of the proposed development. Overall, the Air Quality Assessment concludes that the impact on the surrounding area from key pollutants is acceptable. The Council's Environmental Health Department has reviewed the Air Quality Assessment and has provided no objection to the application.

In respect of objection element (m) above - Section 27 of the 2011 Planning Act requires the proposal to be described 'in general terms' at pre-application community consultation stage. Case law has established that Section 27 does not require the developer to publish and consult upon a completed project concept and that alterations may be legitimately made to a planning project following a section 27 PAN consultation exercise. (*Greencaste Rouskey Gortin Concerned Community Limited v Department for Infrastructure [2019] NIQB 12*). I am satisfied that the that the development was described in general terms at pre-application community consultation stage and that the requirements of Section 27 of the Planning Act have been fulfilled.

In respect of objection element (n) above - The Council has sought to engage interested parties by publicising this planning application in the local press and on its website in order

to bring the details of the development proposals to the attention of the public. Furthermore, the Council has a statutory duty to carry out neighbour notification of 'identified occupiers' on 'neighbouring land' in accordance with Article 8(2) of the GDPO. Identified occupier means the occupier of premises within a 90-metre radius of the application site. Neighbouring land means land which directly adjoins the redline boundary of the application site or which would adjoin it but for an entry or a road less than 20m in width. Records demonstrate that neighbour notification letters have been duly issued to all identified occupiers on neighbouring land in accordance with statutory requirements.

Response to objection element (o) - There is no evidence to demonstrate that the inclusion of apartments within the housing layout has the potential to result in anti-social behaviour through overcrowding. The Regional Development Strategy 2035 (RDS) encourages the creation of balanced local communities. SPG-HOU 6 states that a variety of housing types and tenures offering choice is required to meet different needs. The density shown on the CMP equates to 20 dwellings per hectare (dph), and just meets the minimum density of 20 dph stipulated in the Development Plan for the NS19 zoning. As considered in the main body of this report the density is not considered to be significantly higher than that found within the wider area.

In respect of objection element 9(j) - A member of the public has informed the Council that they were unable to view ecological assessments on the public access Planning Portal. In accordance with standard best practice the Badger Survey, submitted in support of the application, has not been published on the Planning Portal and has been kept confidential to avoid any risk of ill-treatment of badgers. I can confirm that all other ecological assessments associated with the planning application have been made available to view online via the public access portal. This includes Chapter 6 of the Environmental Statement which provides an assessment of the potential impact of the proposed development on biodiversity and Appendix 6 which includes an ecological survey for both bats and birds and a Shadow Habitats Regulations Assessment.

Objection elements (e) and (f) - As detailed on the Concept Landscape Masterplan, woodland buffer planting will be provided along the edge of the NS43 area of open space where it abuts existing residential development to the east of the site. The Concept Masterplan shows that the cycleway will be accessed from the existing Ballyreagh Road/Bowtown Road junction. The lower section of the Ballyreagh Road is currently separated from housing to the northwest by a boundary fence and hedgerow. Any approval of this application will be subject to a condition requiring full details of all hard and soft landscaping to be approved by the Council at Reserved Matters stage. This will include details of all existing landscaping proposed to be retained along site boundaries and incorporated into the overall site layout.

The land is zoned for housing development in the Development Plan, and it is not considered that standard street lighting would result in any unacceptable adverse impact to existing residential amenity in terms of light pollution. However, I recommend that a condition is attached to any potential approval of the application to prevent the use of floodlighting in the MUGA or other play areas.

DfI Rivers has provided no objection to the proposal in terms of surface water drainage subject to the provision of a Final Drainage Assessment at detailed design stage. Therefore, I am satisfied that the proposed negative condition will ensure that there will be no unacceptable flood risk to existing properties as a result of the proposed development.

Objection element (l) - It should be noted that it is the responsibility of the developer, in conjunction with relevant agencies, to ensure continued supplies of utilities such as electricity and water to existing dwellings during the construction phase.

Objection element (p) - There is no evidence to substantiate objector claims that property values could be impacted by the proposed development and this matter is not a material consideration relevant to planning.

Conclusion

The Council's Planning Department has examined all of the environmental information, taking into account both the information supplied by the Applicant and the feedback provided by consultation responses. Consultation responses are available in full on the Planning Portal and have been summarised in this report. All material planning considerations raised within letters of objection have been duly considered.

The Environmental Statement (ES) considers the likely significant impacts of the project on the environmental aspects within and around the project taking into account key topic areas such as: land/soils/water, population, air quality, transportation, drainage, noise, landscape and visual, cultural heritage and climate change. The ES proposes measures to mitigate those impacts, where required. An ES Addendum was received in July 2024 which provides an update in terms of the overall description of the project and a revised solution to on-going NI Water capacity issues.

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 the Council. The Appropriate Assessment concluded that based on the information provided, and in light of the expert opinion of the Statutory Nature Conservation Body (NIEA), the project would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects, subject to mitigation being attached to any potential approval to ensure the implementation of measures to effectively prevent the egress of contaminated water from the construction site.

In line with the advice of expert consultees, it is recommended that approval of the application should be subject to the agreement and implementation of a Final Construction Environment Management Plan to prevent pollution during the construction period and consequential harm to designated sites. It is further recommended that any approval of the application be subject to conditions to ensure land contamination within the site is effectively remediated to protect environmental receptors and human health.

NIEA, the statutory nature conservation body, has provided no objection to the proposed development in terms of the potential impact on bats and badgers subject to mitigation. It is recommended that this mitigation is secured through appropriately worded planning conditions to prevent any significant habitat loss or harm to protected species.

The ES highlights positive outcomes associated with increased population as a result of economic activity. In accordance with Development Plan requirements, land has been set aside within the NS20 zoning for educational purposes and for a future local neighbourhood centre. The application seeks permission for mixed-use centre as part of the proposed

scheme to help cater for the day-to-day needs of future residents. It is recommended that approval of the application should be subject to conditions to control the scale and nature of this part of the development to prevent any harm to Newtownards town centre.

In accordance with the advice from the Council's Environmental Health Department, it is considered that approval of the application should be subject to mitigation to prevent any unacceptable noise impacts (during construction and operational phases) and to secure the implementation of a dust management plan.

The ES proposes to signalise the Donaghadee/Movilla Road junction. I am satisfied that this off-site mitigation can be secured through an obligation in the section 76 Planning Agreement. The Transport Assessment demonstrates that all other junctions will operate within capacity during the operational phase of the proposed development. DFI Roads has provided no objection to the proposed development subject to the implementation of the road improvement works.

The ES states that an upgrade to the existing water culvert will alleviate the risk of flooding in both the existing and climate change (2080) scenario. DFI Rivers has provided no objection to the proposed development in terms of flood risk. The detailed drainage design will be reserved for approval at Reserved Matters stage.

Historic Environment Division (HED) has provided no objection to the proposed development subject to the implementation of an archaeological programme of works (POW) to be secured via planning condition. The layout has been carefully designed to prevent any significant landscape and visual impacts. The most elevated part of the site will be retained as open space and significant buffer planting is proposed along the periphery of the application site adjacent to the open countryside.

Having comprehensively examined the application details and associated environmental information, including the views of expert consultees, I am satisfied that the mitigation detailed within this report will prevent any significant environmental effects arising and that this mitigation can be secured through standard planning conditions (listed below) or through obligations within the Section 76 Planning Agreement.

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.

Weighing up all of the material considerations detailed in this report, I recommend on balance to the Committee that the planning application should be approved.

Recommendation

Grant Planning Permission

Conditions

1. The development hereby permitted must be begun by whichever is the later of the following dates:

the expiration of 10 years from the date of the grant of outline planning permission.

or

The expiration of years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Application(s) for approval of the reserved matters shall be made to the Council within 6 years from the date of this permission.

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

3. No development shall commence on site until details of the siting, design, external appearance, means of access and landscaping (herein called "the reserved matters") have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: This permission is Outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

4. The reserved matters as outlined in condition 2 shall include:-

Siting: the two-dimensional location of buildings within the site.

Design: the two-dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three-dimensional form of the buildings and the relationship with their surroundings including height, massing, existing and proposed levels and sections through the site, number of storeys, and general external appearance.

External appearance of the buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access: the two-dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Full details of all internal roadways, footpaths and cycle paths, including the roundabout junctions at the access to Movilla Road and Bowtown Road will be provided at Reserved Matters stage.

Landscaping and Open Space; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features, including public open space.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. Full particulars, detailed plans and sections of the reserved matters required in Conditions 3 and 4 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

6. The overall layout, including accesses to the site, distributor road, internal road network and open space, playparks and MUGA, shall be generally in accordance with the layout shown on the Concept Masterplan Drawing No. 02F and the Concept Landscape Masterplan Drawing No. 09D

Reason: To ensure the delivery of quality and sustainable development and to satisfy the Development Plan requirements for the NS19 zoning.

7. The overall height of the apartment/commercial buildings shown on the Concept Masterplan shall not exceed 11.7m above finished ground level. Detailed sectional drawing of all apartment and commercial buildings shall be submitted and approved at Reserved Matters stage. The sectional drawings shall show the relationship between the apartments and adjacent proposed built development and existing and proposed ground levels.

Reason: To ensure the scale and form of the apartment/commercial buildings are appropriate to the character of the site and does not cause harm to the amenity of adjacent residential development.

8. A detailed hard and soft landscaping scheme shall be submitted to the Council at Reserved Matters stage. The scheme shall be broadly in accordance with the Concept Landscape Masterplan Drawing No.09D and shall include details of all trees, hedgerows and other planting which are to be retained (including those trees identified for retention on the Concept Landscape Masterplan and trees/hedgerows along the site boundaries unless otherwise agreed by the Council); details of anti-dazzle hedgerow along the main distributor road, all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site, a planting specification to include species, size, position

and method of planting of all new trees and shrubs; and a programme for phased implementation of hard and soft landscaping. All hard and soft landscaping works shall be carried out in accordance with the approved details and the timings included in the programme for implementation. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard landscaping works shall be permanently retained in accordance with the approved details.

Reason: In the interest of biodiversity, and to ensure the continuity of amenity afforded by existing trees.

9. At Reserved Matters stage a tree protection plan shall be submitted showing the trees selected for retention, the root protection zones of retained trees, and the location and design of proposed protective fencing. The tree protection plan shall include a programme of implementation. The programme for implementation shall ensure that fencing for the protection of any retained tree within each phase of the development shall take place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Council. The tree protection plan shall be implemented in accordance with the approved details.

Reason: In the interest of biodiversity, and to ensure the continuity of amenity afforded by existing trees.

10. The open space areas, equipped playparks and MUGA shall be provided in accordance with the approved details and shall be permanently retained thereafter and shall not be used for any purpose other than as amenity and open space.

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

11. Details of the final design of the play parks and MUGA shown on Drawing No. 09D, including details of equipment shall be submitted to the Council for approval at Reserved Matters stage. The final design shall include details of the boundary enclosing the MUGA. The final design shall be implemented as approved.

Reason: To ensure the provision of quality amenity areas within the site.

12. A Management and Maintenance Plan for the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas and public amenity areas (including the greenway, play parks and MUGA), other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be

submitted to the Council for approval at Reserved Matters stage. The Management and Maintenance Plan shall include details outlining how condition No. 33 will be complied with during the operational phase of the development. The Management and Maintenance Plan shall be permanently carried out in accordance with the approved details.

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

13. The long-term management and maintenance of the open spaces, including greenway, play parks and MUGA, as indicated on Drawing No. 09D, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing with the Council prior to the occupation of any dwelling hereby approved.

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

14. A Surface Water Drainage Plan detailing all surface water drainage and discharge points shall be submitted to the Council at Reserved Matters stage. The Surface Water Drainage Plan must include hydrocarbon interceptors and provide details of their location. Surface water drainage within the site shall be constructed in accordance with the approved details.

Reason: To protect designated sites and site selection features.

15. No development activity, including ground preparation or vegetation clearance, shall take place until protection zones, clearly marked with posts joined with hazard warning tape, have been provided around each badger sett entrance at a radius of 25 metres (as shown on Drawing No.02A). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones without the written approval of the Council unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts.

16. Within a period of two months prior to the commencement of development including any pre-construction site clearance works, an updated badger survey and report must be submitted to and agreed in writing by the Council. The updated badger survey and report must be prepared by a qualified ecologist and must outline any necessary mitigation required to protect sites of refuge/setts and important foraging/commuting resources and details of how/when the mitigation will be implemented. All mitigation must be subsequently implemented in accordance with the approved details.

Reason: To protect badgers and their setts.

17. An updated badger survey must be completed by a competent ecologist and submitted as part of the Reserved Matters application(s). The updated badger survey(s) must detail any additional mitigation that may be required to protect badgers and their sites of refuge/setts and must include a timetable for the implementation of any additional mitigation. All mitigation must be subsequently implemented in accordance with the agreed details.

Reason: To protect badgers and their setts.

18. Demolition works shall not take place on structures 5, 9 and 10 (identified within the Environmental Statement – Volume 2 – Appendix 6.1 Ecological Survey for Bat), until a Wildlife Licence has been granted by NIEA and evidence of this has been submitted to the Council in writing.

Reason: To minimise the impact of the proposal on bats and protect bats and their roosts.

19. Dismantling of the roof structures of buildings 5, 9 and 10, known to contain roosting bats (as identified within the Environmental Statement – Volume 2 – Appendix 6.1 Ecological Survey for Bat), shall be via 'soft strip' dismantling only and shall be supervised by a suitably qualified ecologist. A minimum wait period of 24 hours following any soft strip dismantling must be observed before any further demolition work on these buildings takes place.

Reason: To ensure protection of bats and their roosts.

20. The demolition of structures 5, 9 and 10, known to contain roosting bats (as identified within the Environmental Statement – Volume 2 – Appendix 6.1 Ecological Survey for Bat), shall only take place between 15th August and 1st November or 1st March and 15th May (in any year).

Reason: To minimise impacts on bats.

21. Within a period of two months prior to the demolition of any other structure with bat roost potential, a Bat Roost Inspection Survey must be carried out by a competent ecologist. Should bats be found to be present, the Bat Roost Inspection Survey must include appropriate bat mitigation measures and a timetable for implementation of the mitigation. The Bat Roost Potential Survey must be submitted to and agreed in writing by the Council prior to demolition of any such structure. No demolition of any affected structure shall take place other than in accordance with any mitigation/implementation timetable approved under this condition.

Reason: To protect bats and their roosts.

22. An updated bat survey must be completed by a competent ecologist and submitted to the Council as part of the Reserved Matters application(s). The updated bat survey must detail any additional mitigation that may be required to protect bats and their roosts and must include a timetable for the implementation of any additional mitigation. Bat mitigation must be subsequently implemented in accordance with the agreed details.

Reason: To protect bats and their roosts.

23. Compensatory bat roosting opportunities must be incorporated into the development to provide alternative roosting habitat for bats. Detailed plans must be submitted as part of the Reserved Matter(s) applications showing the type, number and location of compensatory bat roosting measures. Compensatory roosting opportunities must be erected prior to the destruction of established roosts and must be permanently retained thereafter.

Reason: To ensure compensatory roosting opportunities for bats are provided.

24. No tree or hedgerow vegetation, identified for retention on Drawing No.09D Concept Landscape Masterplan, shall be cut down/removed, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction*.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees and hedgerow vegetation.

25. No works shall commence on site (including site clearance) until a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and further ground protection as well as a programme for implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, or any other works carried out, or fires lit without the written consent of the Council.

Reason: To safeguard all retained and protected trees in the interests of visual amenity.

26. A bat sensitive external lighting plan for the proposed development shall be submitted as part of the Reserved Matters application(s). External lighting shall be in accordance with the approved details.

Reason: To prevent harm to on protected species utilising the site.

27. All noise mitigation measures outlined in Volume 1 of the Environmental Statement Chapters 12.5.1 and 12.5.2 shall be fully implemented during the construction/demolition phase of the development.

Reason: Protection of residential amenity.

28. Noise from the construction site shall not exceed the Category A noise threshold limit of 65dB at the nearest residential premises. Construction noise monitoring shall be continuously carried throughout the construction phase to ensure compliance with the noise threshold limits and records of noise monitoring shall be retained until construction is complete. Within 2 weeks of any request by the Council, noise monitoring records shall be submitted to the Council for inspection.

Reason: Protection of residential amenity

29. Construction works (including demolition) 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: Protection of residential amenity

30. A construction barrier shall be erected around the perimeter of all construction and/or demolition work. The construction barrier must be capable of providing at least 10dB reduction in noise levels. The construction barrier must be erected prior to any construction/demolition work taking place within the site and must be retained for the duration of all construction/demolition work.

Reason: Protection of amenity to neighbouring premises.

31. Prior to the occupation of any part of the development, the specifications for all residential glazing and ventilation shall be submitted to and approved by the Council. The approved glazing/ventilation systems for each dwelling unit shall be installed prior to its occupation and shall be permanently retained thereafter.

Reason: Protection of residential amenity

32. Prior to the occupation of any part of the development, details of the location and specification of all plant and equipment to be used in connection with the commercial/ retail units shall be submitted to and approved in writing by the Council. All plant and equipment installation associated with the commercial/ retail units must be in accordance with the approved specification and must comply with the threshold limits at noise sensitive receptors detailed in Table 12.23 of Chapter 12 of the Environmental Statement.

Reason: Protection of residential amenity

33. The MUGA shall not remain open between the hours of 23:00- 07:00hrs.

Reason: Protection of residential amenity

34. The shared public amenity areas, including MUGA and play areas hereby approved, shall not be available for commercial hire or used for any commercial purpose.

Reason: Protection of residential amenity.

35. There shall be no floodlighting of the MUGA, play areas or other amenity areas hereby approved.

Reason: Protection of residential amenity.

36. Deliveries by commercial vehicles to the commercial units within the mixed-use centre shall not take place outside the following hours: - 07:00- 23:00hrs Monday to Saturday and not at all on Sundays or Bank/Public Holidays.

Reason: Protection of residential amenity.

37. Prior to the commencement of the development hereby permitted, a detailed Dust Management Plan shall be submitted to and approved in writing by the Council. This plan shall incorporate the mitigation measures detailed in Section 9.6 of the Environmental Statement. The Dust Management Plan shall be implemented in accordance with the agreed details during the construction phase of the development.

Reason: To protect the amenity of nearby residents

38. Prior to the commencement of development hereby permitted, a report detailing the full specification and location of the combustion units/ systems to be used on site shall be submitted to and approved in writing by the Council. All combustion units/systems installed shall be in accordance with the details agreed under this condition.

Reason: Protection of residential amenity.

39. A final Construction Environmental Management Plan (CEMP) for each phase of the development must be submitted to and approved by the Council prior to works taking place within each development phase. The final CEMP(s) must, as a minimum, include all the pollution prevention mitigation contained in the Outline CEMP included in Chapter 17 of the Environmental Statement and the mitigation recommended by NIEA Water Management Unit and Natural Environment Division (consultation response from NIEA dated 21/02/2022). The final CEMP(s) must include a programme for implementation. The final CEMP(s) must be fully implemented in accordance with the details approved.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phases that will prevent adverse effects on features of the hydrologically connected Strangford Lough SAC/SPA/Ramsar.

40. No site works of any nature or development shall take place until a programme of archaeological work has been prepared by a qualified archaeologist and is submitted to and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The programme 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.

41. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 40.

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

42. 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 40. These measures shall be implemented, and an archaeological report shall be submitted to the Council within 6 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.

43. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

44. No part of the development hereby permitted shall be occupied until the remediation measures as described in the remediation strategy provided in the O'Sullivan Macfarlane Ltd, Phase 2 GQRA and Remediation Strategy Report, Ref. P683, dated 20 August 2020 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.

45. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-Regulation-Unit-contamination-how->

to-manage-the-risks. 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 human health and protection of environmental receptors to ensure the site is suitable for use.

46. After completing the remediation works under Conditions 44 and 45 and prior to occupation of the development, a Verification Report must be submitted to and agreed in writing by the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. This report must demonstrate that all remedial measures identified in Section 5 of Phase 2 Generic Quantitative Risk Assessment (GQRA) and Remediation Strategy prepared by O'Sullivan Macfarlane and dated August 2020 have been implemented. This report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified pollutant linkages have been broken. The Verification Report must be in accordance with current best practice and guidance. In particular, this Verification Report must demonstrate that:

- All remaining AST's and pipework have been decommissioned and removed from site and in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified.
- The hotspot of contamination surrounding BH4 shall be delineated and removed to a proven depth. All remaining soils (sidewalls of all excavations) shall be tested and proven suitable for the proposed end-use.
- Any imported material used on site, if required, must be proven suitable for the proposed end-use.

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

47. Detailed drawings submitted at Reserved Matters stage must show a working strip along the proposed Bowtown Road Stream Culvert Diversion and along the undesignated watercourse to the east of the site with a minimum maintenance buffer width of 5 metres (and up to 10 metres if considered necessary). The working strips must permit clear access and egress at all times and remain permanently free from any obstructions including tree planting, hedgerows, fencing, structures or any other development

Reason: To facilitate maintenance of watercourses within the site.

48. As part of the Reserved Matters application(s), Final Drainage Assessment(s) in accordance with the requirements of PPS15 Planning and Flood Risk shall be submitted to the Council for approval. The drainage network constructed for the site shall be in accordance with the approved details.

Reason: To prevent surface water flooding.

49. The gross retail floorspace of the 2no. convenience retail units hereby approved shall not exceed 207 square metres when measured internally and no individual unit shall have a gross retail floorspace of more than 138 square metres when measured internally. These units shall be used only for the retail sale of convenience goods and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Convenience goods for this purpose are hereby defined as; -

- a) food and drink, including alcoholic drink;
- b) tobacco, newspapers, magazines, confectionery;
- c) stationery and paper goods;
- d) toilet requisites and cosmetics;
- e) household cleaning materials; and
- f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

50. The gross retail floorspace of the retail service unit hereby approved shall not exceed 69 square metres when measured internally. This unit shall be used for retail services only and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Retail Services for this purpose are hereby defined as; -

- a) as a post office;
- b) for the sale of tickets or as a travel agency;
- c) for hairdressing
- d) for the hiring out of domestic or personal goods or articles;
- e) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either in or off the premises; or
- f) where the service is to visiting members of the public as may be determined in writing by the Council as generally falling within the category of "retail service".

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

51. No internal operations, including the installation of mezzanine floors, shall be carried out to increase the gross retail floorspace for retail use without the prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

52. No retail unit shall be subdivided or otherwise modified or amalgamated to create fewer units.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

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

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

54. Each dwelling hereby approved shall not be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied prior to occupation of the last dwelling unit hereby approved or as otherwise agreed with the Council.

Reason: To ensure there is a safe and convenient road system within the development.

55. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 – The development shall be in accordance with the requirements of the Department's Design Guide: Creating Places – Achieving Quality in Residential Developments and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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, as amended.

56. Detailed plans submitted at Reserved Matters stage shall show the main spine roads to be laid out generally in accordance with Drawings Nos. 70,71,73.

Reason: To ensure there is a safe and convenient road system within the development.

57. A final parking plan and parking schedule must be submitted at Reserved Matters stage showing parking provision in accordance with Creating Places and published Parking Standards.

Reason: To ensure adequate parking in the interests of road safety and the convenience of road users

58. The development, hereby permitted, shall not be commenced until any highway structure/retaining wall/culvert requiring technical approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance CG300 of the Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges.

59. Plans showing the detailed design of the Greenway shall be submitted for approval as part of the Reserved Matters application(s). The plans must show details of physical features to prevent vehicular access (such as bollards). The Greenway shall be constructed in accordance with the detailed plans and shall be permanently retained thereafter.

Reason: To ensure a movement pattern that supports walking and cycling is retained as an integral part of the development.

Informatives

1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.
2. This application is subject to a Planning Agreement prepared under section 76 of the Planning Act 2011.

Appendices

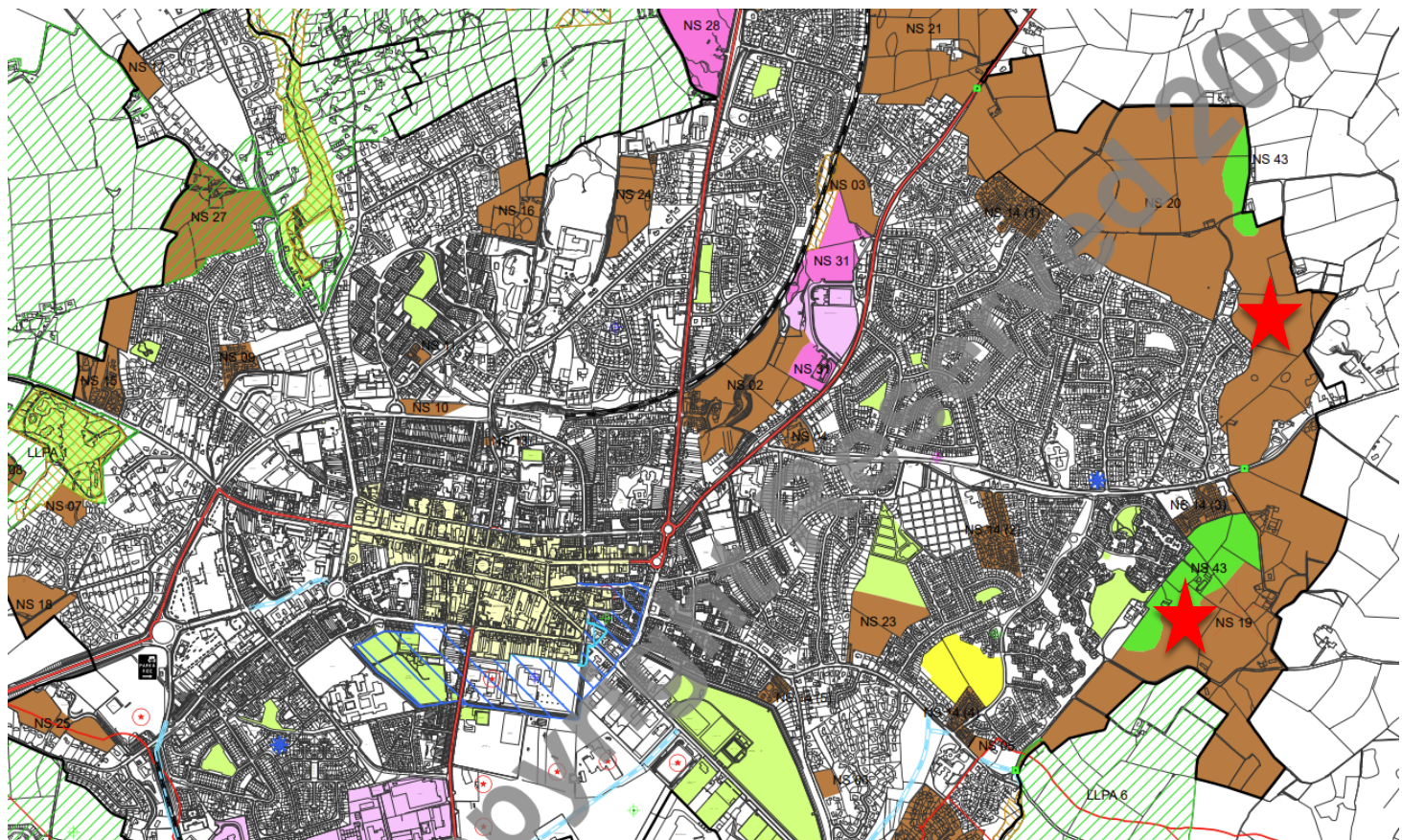
Annex 1: Phasing Plan

Annex 2: Proposed NS19 Concept Masterplan

Annex 3: Proposed NS19 Concept Landscape Masterplan

Development Plan Extract – Ards and Down Area Plan 2015

Plan shows location of NS19 and NS43 Zonings in eastern Newtownards

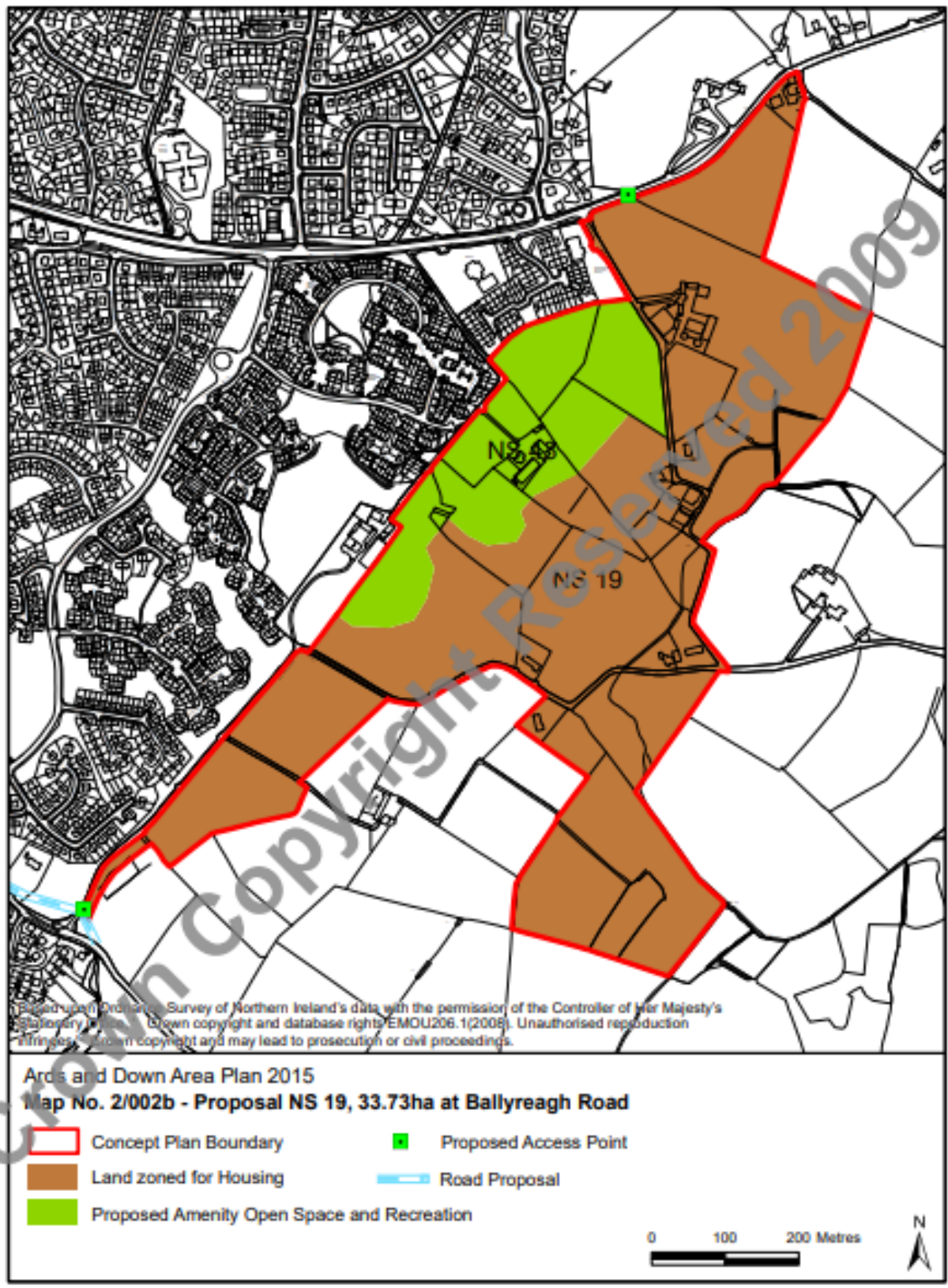


Map No. 2/002a - Newtownards

- Settlement Limit
- Land zoned for Housing
- Proposed Access Point
- Land zoned for Industry
- Proposed Amenity Open Space and Recreation
- Town Centre (see Map No. 2/002e)
- Development Opportunity Site
- Area of Townscape Character (see Map No. 2/002e)
- Local Landscape Policy Area (see Map No. 2/002d)
- Site of Local Nature Conservation Importance (see Map Nos. 1/050, 1/077, 1/079, 1/081, 1/082 and 1/115 in Appendix 5)
- Area of Archaeological Potential (see Map No. 2/002e)
- Road Proposal
- Intermodal Transfer Site
- Disused Rail Track Bed
- Existing Industry
- Existing Amenity Open Space and Recreation
- Community Woodland
- Local Centre
- Archaeological Site and Monument (State Care)
- Archaeological Site and Monument (Scheduled)
- Archaeological Site and Monument
- Area of Outstanding Natural Beauty (refer to relevant Ards Countryside Map for details)
- Protected Route

NS19 & NS20 Zoning

Development Plan Extract –NS19 Zoning



Ards and North Down Area Plan 2015 - NS19 Key Design Considerations

Proposal NS 19

33.73 Hectares at Ballyreagh

Development of these lands is reliant upon the up grade or realignment of the Ballyreagh Road in accordance with Policy TRAN 2, which will bring south and west bound traffic on to the Old Shore Road / Portaferry Roads and westward via the Castlebawn road line. All road works are to be designed and implemented to the satisfaction of the Roads Service of the Department for Regional Development and implementation shall be funded at the expense of the developers of the lands to be served by the road scheme.

Development of the site will only be permitted in accordance with an agreed comprehensive scheme that will incorporate the neighbouring amenity open space (Proposal NS 43), to provide the necessary public infrastructure, including those roads required to serve these lands. The alignment and landscaping of the road shall be designed to achieve the maximum possible degree of integration in the landscape.

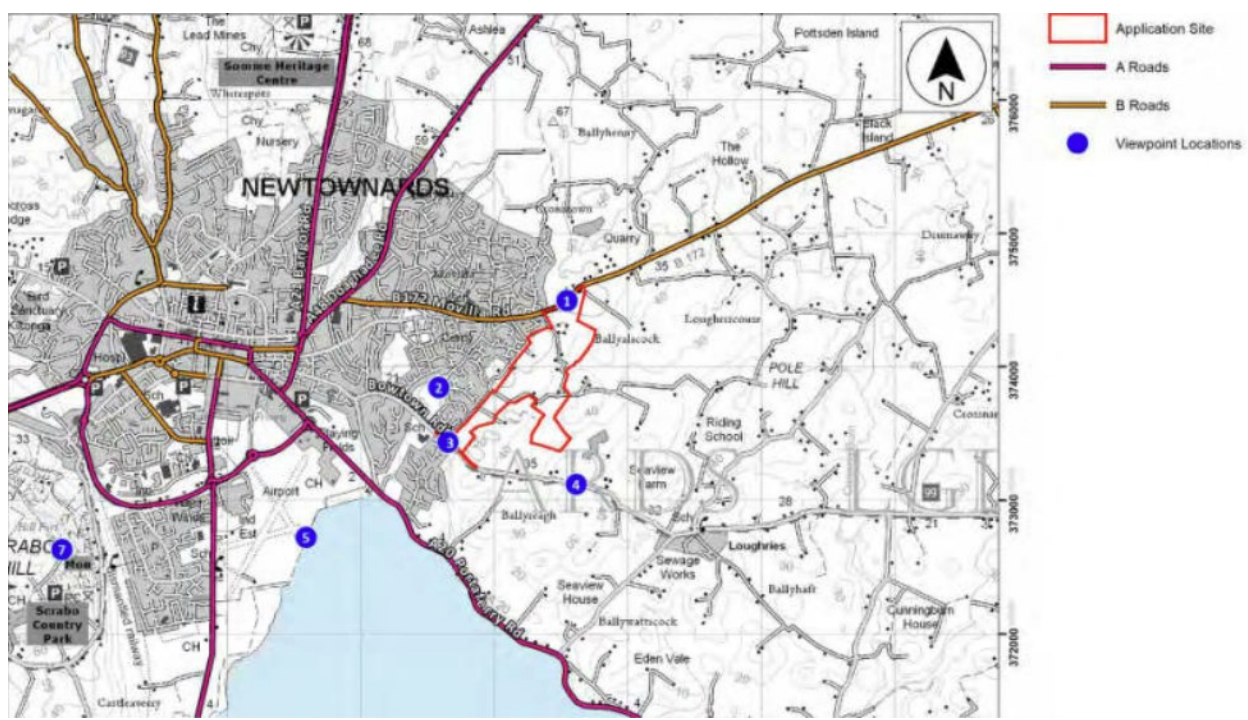
Key Design Considerations:

- housing development to be a minimum gross site density of 20 dwellings and a maximum gross site density of 25 dwellings per hectare;
- development shall be phased to begin at the southern end of the site;
- phasing of housing development in relation to infrastructural works;
- the Ballyreagh Road will be upgraded to Distributor Road standards or realigned and will provide a link from the Bowtown Road (near the existing junction) to the Movilla Road. The road will terminate at a roundabout on the Movilla Road which will also incorporate the Movilla Road/ Donaghadee Road link;

- provision of pedestrian and cycleway links to Movilla Road and Bowtown Road;
- the boundaries of the site adjacent to the countryside and the LLPA to be landscaped with an 8 -10 metre deep belt of trees of native species to provide screening for the development and help integrate it into the surrounding countryside;
- a full survey of existing vegetation within the site and retention of trees and hedgerows where possible;
- existing mature vegetation and trees along the eastern perimeter of the zoning shall be retained and enhanced with a planting buffer 8-10m deep to consist of indigenous trees and hedgerow species;
- positive management arrangements to protect and maintain open space, and landscaping;
- the seven mature trees on the western edge of the Ballyreagh Road and opposite property No. 55 Ballyreagh Road and the cluster of mature trees between property Nos. 53 and 54 Ballyreagh Road to be retained and the positioning of buildings in relation to trees shall be such that development will not threaten the survival of trees; and
- the layout shall be designed to provide for maximum permeability by bus services.

No indicative road lines have been included where the road schemes are not Roads Service proposals. To include a line would unduly restrict the comprehensive design proposals, which must take account of the need for housing to be incorporated into the existing landscape.

Map showing location of viewpoints within Landscape and Visual Impact Assessment
 (prepared by Landscape Architect)



Viewpoint 1 – Movillia Road
 Existing and Proposed (Planting shown at 7-10 years maturity)



Existing



Proposed (Planting shown at 7-10 years maturity)

Viewpoint 2 – The Meadows (west of application site)

Existing



Existing (Application site screened by intervening rolling topography and boundary woodland/trees)

Viewpoint 3 – Bowtown Road/Ballyreagh Road Junction

Existing and Proposed (Planting shown at 7-10 years maturity)



Existing



Proposed (Planting shown at 7-10 years maturity)

Viewpoint 4 – Bowtown Road (south-east of application site)
Existing and Proposed (Planting shown at 7-10 years maturity)



Existing



Proposed (Planting shown at 7-10 years maturity)

Viewpoint 5 – Public Footpath near Newtownards Airport
(Existing and Proposed)



Existing (Application site screened by intervening rolling topography and boundary woodland/trees)



Wireframe (Application site screened by intervening rolling topography and boundary woodland/trees)

Viewpoint 6 – Comber Road (Existing and Proposed)

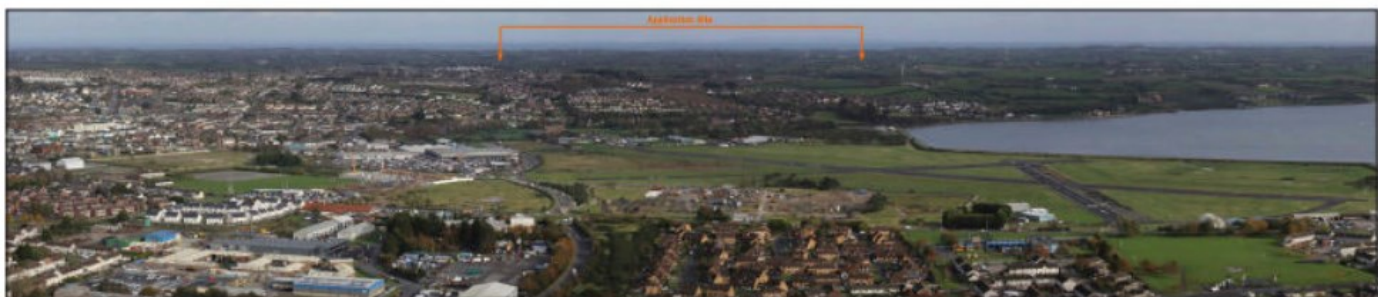


Existing

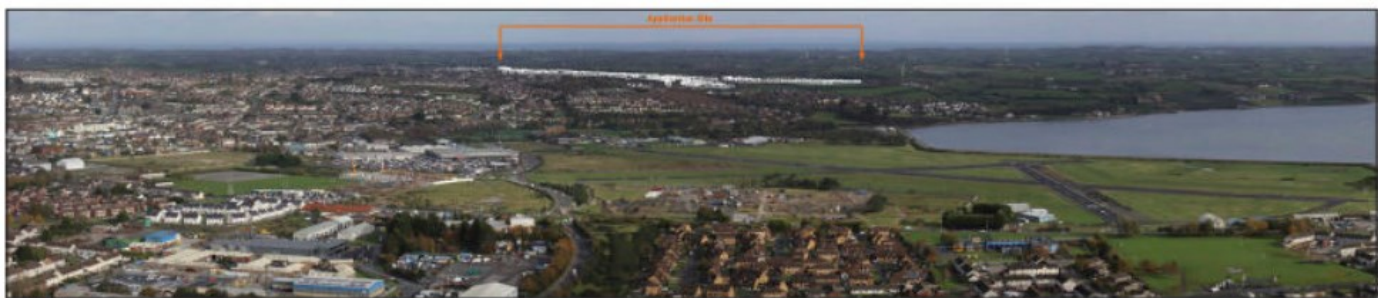


Wireframe (Application Site obscured by existing topography and vegetation)

Viewpoint 7 – Scrabo Tower (Existing and Proposed)



Existing



Proposed View

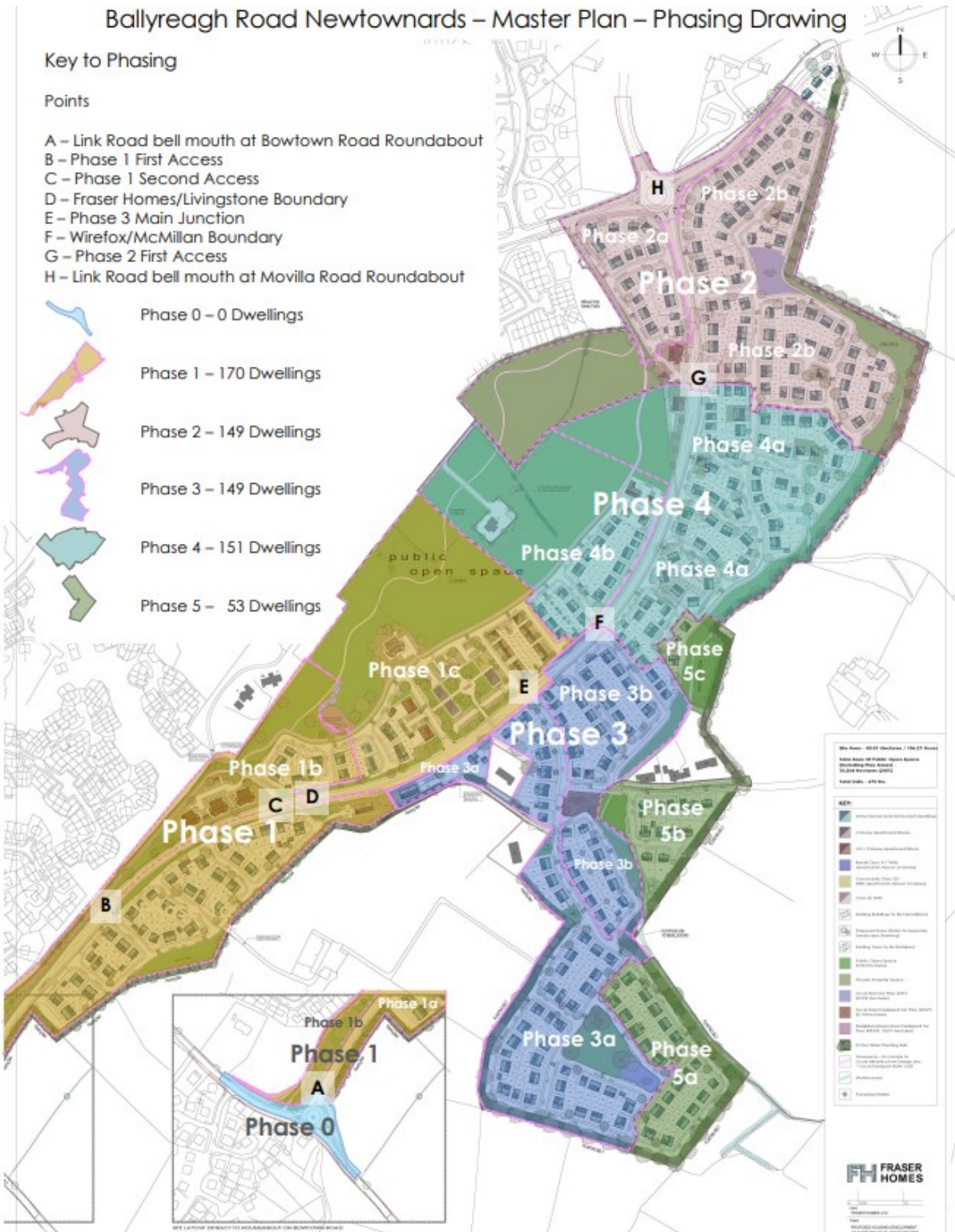
Ballyreagh Road Newtownards – Master Plan – Phasing Drawing

Key to Phasing

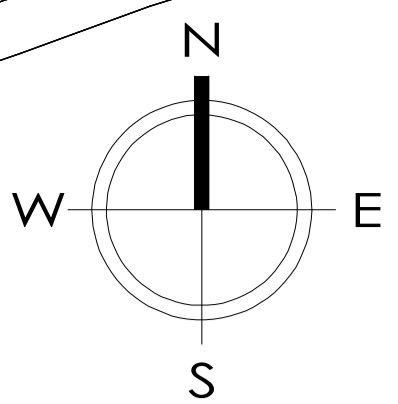
Points

- A – Link Road bell mouth at Bowtown Road Roundabout
- B – Phase 1 First Access
- C – Phase 1 Second Access
- D – Fraser Homes/Livingstone Boundary
- E – Phase 3 Main Junction
- F – Wirefox/McMillan Boundary
- G – Phase 2 First Access
- H – Link Road bell mouth at Movilla Road Roundabout

-  Phase 0 – 0 Dwellings
-  Phase 1 – 170 Dwellings
-  Phase 2 – 149 Dwellings
-  Phase 3 – 149 Dwellings
-  Phase 4 – 151 Dwellings
-  Phase 5 – 53 Dwellings



BOWTOWN ROAD | NEWTOWNARDS | PRIVATE HOUSING DEVELOPMENT



Key Design Requirements	Does Master Plan Address
Housing development to be a minimum gross site density of 20 dwellings and a maximum gross site density of 25 dwellings per hectare	Proposed site density is 20 dwellings per hectare There are 675 dwellings proposed 33.73 hectares @ 20 dph = 674.6 dwellings
Development shall be phased to begin at the southern end of the site	A separate phasing plan is provided
Phasing of housing development in relation to infrastructural works	A separate phasing plan is provided setting out the phases of development in relation to completion of infrastructure
The Ballyreagh Road will be upgraded to Distributor Road standards or realigned and will provide a link from the Bowtown Road (near the existing junction) to the Movilla Road. The road will terminate at a roundabout on the Movilla Road which will also incorporate the Movilla Road/ Donaghadee Road link	The road is proposed as a realignment of Ballyreagh Road to Distributor Road standard, linking from Bowtown Road to Movilla Road
Provision of pedestrian and cycleway links to Movilla Road and Bowtown Road	These are provided by the proposed community greenway that links between Bowtown Road and Movilla Road
The boundaries of the site adjacent to the countryside and the LLPA to be landscaped with an 8-10 metre deep belt of trees of native species to provide screening for the development and help integrate it into the surrounding countryside	An 8-10 metre deep landscaped belt of trees is proposed on all relevant boundaries Landscape master plan to provide details of species
A full survey of existing vegetation within the site and retention of trees and hedgerows where possible	The Master Plan is based on tree survey carried out by Andrew Boe (2021) Vegetation has been retained where possible and where appropriate according to the survey, retained vegetation is shown on the Master Plan
Existing mature vegetation and trees along the eastern perimeter of the zoning shall be retained and enhanced with a planting buffer 8-10m deep to consist of indigenous trees and hedgerow species	The Master Plan shows retained vegetation on the eastern perimeter along with an 8-10 metre deep planting belt Landscape plan to provide details of species
Positive management arrangements to protect and maintain open space, and landscaping	All open space will be transferred to residents management Company in accordance with OS 2 of PPS 8 for long term management and maintenance in accordance with the management and maintenance plan prepared by Park Hood Ltd
The seven mature trees on the western edge of the Ballyreagh Road and opposite property No. 55 Ballyreagh Road and the cluster of mature trees between property Nos. 53 and 54 Ballyreagh Road to be retained and the positioning of buildings in relation to trees shall be such that development will not threaten the survival of trees	The Master Plan identifies and proposes to retain those trees at 55 Ballyreagh Road that are scheduled for retention in the tree survey. The trees at 53 and 54 Ballyreagh Road have been removed The Master Plan is based on a tree survey and identifies trees and other vegetation scheduled for retention
The layout shall be designed to provide for maximum permeability by bus services	The Master Plan provides for bus services along the link road Bus access is also facilitated to the south-eastern part of the zoning Otherwise all dwellings are within the 400 metre walk-in distance

Block No.	Unit No.	Use Type	Floorspace (m2)
Block 1	Unit 1	Convenience Store - Class A1	138
Block 2	Unit 2	Coffee Shop - sui generis	138
Block 3	Unit 3	Barber/Hairdresser - Class A1	69
Block 4	Unit 4	Off Licence - Class A1	69
Block 5	Unit 5	Creche - Class D1	138
Total			552



Site Area - 43.01 Hectares / 106.27 Acres
 Total Area Of Public Open Space (Including Play Areas) - 10.264 Hectares (24%)
 Total Units - 675 No.

- KEY:**
- Detached & Semi Detached Dwellings
 - 2 Storey Apartment Blocks
 - 2.5 / 3 Storey Apartment Block
 - Retail Class 'A1' With Apartments Above (3 Storey)
 - Community Class 'D1' With Apartments Above (3 storey)
 - Over 55 Units
 - Existing Buildings To Be Demolished
 - Proposed Trees (Refer To Separate Landscape Drawing)
 - Existing Trees To Be Retained
 - Public Open Space (9.85 Hectares)
 - Private Amenity Space
 - Local Area for Play (LAP) (0.224 Hectares)
 - Local Area Equipped for Play (LEAP) (0.10 Hectares)
 - Neighbourhood Area Equipped for Play (NEAP) (0.09 Hectares)
 - 8-10m Wide Planting Belt
 - Greenway - to comply to Cycle Infrastructure Design doc. - Local Transport Note 1/20
 - Watercourse
 - Pumping Station



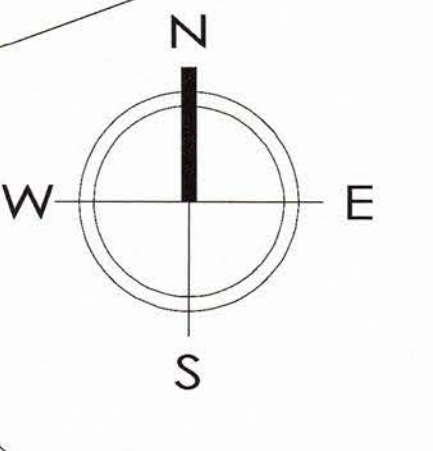
Client: FRASER HOMES LTD.
 Project: PROPOSED HOUSING DEVELOPMENT AT BOWTOWN ROAD, NEWTOWNARDS



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date	01/2021	checked	AC
project	1-00	sheet	01

MASTER PLAN LAYOUT

BOWTOWN ROAD | NEWTOWNARDS | PRIVATE HOUSING DEVELOPMENT



Key Design Requirements	Does Master Plan Address
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Drawing Number 091

FRASER HOMES

Client: FRASER HOMES LTD.
Project: PROPOSED HOUSING DEVELOPMENT AT BOWTOWN ROAD, NEWTOWNARDS

Drawing title: MASTER PLAN
ACA ARCHITECTURE
PLANNING - URBAN DESIGN - ARCHITECTURE

scale: 1:1250 @ A1
date: 01.2021
project: 1-00
sheet: 01

MASTER PLAN LAYOUT

Application Ref: LA06/2019/1046/O Zonings NS19 and NS43**Addendum to Case Officer Report****Date: 14 January 2025**

This addendum is to be read in conjunction with the Case Officer's Report uploaded to the Planning Portal on 13 January 2025 and circulated to Elected Members in advance of the Planning Committee meeting scheduled to take place on 20 January 2025. The Case Officer's Report is taken as read by the Planning Committee for the purposes of this addendum.

This addendum is strictly subject to the consideration of the planning application and its merits by the Planning Committee.

As Members will be aware, the application seeks outline planning permission for a comprehensive residential development of this zoning. I would defer to the case officer's report for the particulars of the development subject to the outline planning application. The development sought is, as depicted in the Concept Masterplan and set out within the accompanying application documents, the phased development of the NS19 and NS43 zonings. The development site itself is owned by multiple parties. However, as explained within the Case Officer's Report, the planning applicant has proposed that a Planning Agreement be entered into by all the landowners to ensure the phased and comprehensive development of the site. That Agreement will seek to impose obligations to restrict the development of the site and place a series of controls to ensure the orderly development of the site in a phased manner and to ensure the delivery of, inter alia, the distributor road, open space and sewage infrastructure.

Given the nature and extent of the development, the phased nature of the build and the multiple land interests involved, the Council's Planning Department is mindful that, subject to the discretion of the Planning Committee to approve or refuse the application, any conditions imposed within any outline planning permission that may be granted should ensure that a reserved matters application can come forward for a distinct part or phase of the development as well as the whole development i.e. permit multiple applications. On a review of the draft conditions as tendered, it is apparent that some of the conditions require amendment to ensure this is permitted – it was not the intention to place such a limitation on the applications for reserved matters. Such an approach will not affect the framework of restrictions and obligations to be entered into by the landowners by way of the Planning Agreement. The phased development of the site has always been envisaged as part of the planning application for which the concept of development is sought to be approved at this stage.

Consequently, delegated authority is sought from Planning Committee that, if it is minded to resolve to approve the application, the Council's Planning Department in consultation with the Council's solicitors can amend the wording of the conditions to ensure multiple applications for reserved matters consents can be lodged for a distinct

phase(s) or part(s) of the site should an applicant see fit. This will not affect the framework of restrictions to be imposed by the Planning Agreement which will bind any such future planning applications for a phase or part of the site the subject of the application or the harm being protected and the subject of draft conditions as set out in the Case Officer's Report.

Further, the Council's Planning Department is mindful of the recent decision of the Supreme Court in Hillside¹ which reaffirmed the principles relating to overlapping planning permissions and, importantly, the impacts of these principles on large development sites (such as this) and subsequent 'drop in' planning permissions granted for part(s) or phase(s) of development originally granted planning permission for a larger site. With this case in mind, further delegated authority is sought from Planning Committee, subject to it being minded to approve the application, to permit the Council's Planning Department, in conjunction with its solicitors, to review the draft conditions and ensure that 'drop in' planning permissions are permissible for a phase or part of the development without calling into question the overall Concept Masterplan to be approved by this planning application before Planning Committee. This review will not affect the framework of restrictions to be imposed by the Planning Agreement which will bind any such future planning applications for a phase or part of the site, the subject of the application, in any event.

¹ Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent) [2022] UKSC 30