

Development Management Report Committee Application

Summary	
Committee Meeting Date: Tuesday 10 March 2020	
Application ID: LA04/2019/2871/F	
Proposal: Variation of conditions 12 & 15 of approval LA04/2017/0235/F. Variation of condition 12 to include reference to submitted drainage assessment report and variation of condition 15 to provide noise verification report prior to occupation of each phase of development.	Location: Lands at Rosepark House Upper Newtownards Road
Referral Route: Planning Committee – amendment to major application	
Recommendation:	APPROVAL
Applicant Name and Address: Lesley Developments Ltd Lesley House 601 Lisburn Road Belfast BT9 7GS	Agent Name and Address: Coogan & Co Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
<p>Executive Summary:</p> <p>Planning permission was granted on 11th April 2018 under reference LA04/2017/0235/F for ‘Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping’ at Rosepark House, Upper Newtownards Road. The proposal seeks to vary the wording of conditions 12 and 15 attached to this planning permission.</p> <p>The proposal seeks to vary condition 12 by substituting the ‘flood risk assessment’ for ‘drainage assessment’ as a correction to allow the condition to refer to the correct report. No alterations to the report are proposed. This is considered acceptable and will ensure drainage mitigation measures are delivered as part of the redevelopment works.</p> <p>The proposal also includes variation of condition 15, which requires submission of a noise verification report prior to occupation of each phase of development. An updated noise report has been submitted in support of the proposal and considered by Environmental Health. The report has presented revised façade and ventilation mitigation measures and has highlighted the properties within the scheme which require the relevant mitigation measures. Furthermore, the report has presented that certain facades subjected to noise levels not exceeding 50dB and at further distances from the Upper Newtownards Road and screened by intervening properties require no additional mitigation measures.</p> <p>Based on the updated noise assessment, Environmental Health has no objection to the condition being revised.</p>	

The aims and purpose of the conditions would remain unaltered and amenity of prospective and existing residents would not be compromised. Accordingly, the revised conditions are considered acceptable.

No objections have been received.

Approval is recommended with delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and, if necessary, enter into a new section 76 planning agreement.

Case Officer Report

Site Location Plan



Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received

1.0	<p>Description of Proposed Development</p> <p>Planning permission was granted under reference LA04/2017/0235/F for 'Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping' at Rosepark House, Upper Newtownards Road. The proposal seeks to vary the wording of conditions 16 and 26 attached to this planning permission.</p> <p>The proposal seeks Variation of condition 12 to include reference to submitted drainage assessment report and variation of condition 15 to provide noise verification report prior to occupation of each phase of development.</p>
2.0	<p>Description of Site</p> <p>2.1 The application site is located off the Upper Newtownards Road in East Belfast. It is approximately 2 hectares in size and comprises former Government offices and large areas of hardstanding/car parking. There are landscaped areas around the site periphery, including a number of mature trees along the Upper Newtownards frontage and the rear of the application site. There is a landscaped bank that runs along the western site boundary for the majority of its length. Accordingly, the western boundary is elevated by approximately 2m higher than the site. The site is elevated above properties to the south by approximately 1.5 metres. Notwithstanding the level differences to the boundaries, the application site is generally level in terms of topography. The Knock River is adjacent to the eastern site boundary, with an electricity sub-station, funeral home, and petrol station to the north east. Boundary treatments largely comprise metal mesh fencing approximately 2.5m in height, with timber rail fencing along the site frontage.</p> <p>There are detached dwellings adjacent to the to the western site boundary, with a mixture of detached and semi-detached to the south. Terraced dwellings are located to the east of the site opposite the river. Dwellings are a mix of single storey and two storey heights, designs and finishes.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Site History</p> <p>3.1 LA04/2017/0235/F: Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping. Lands at Rosepark House, Upper Newtownards Road, Belfast. Approved 17.04.2018</p>

4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2004 Draft Belfast Metropolitan Area Plan 2015 Developer Contribution Framework 2020
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); Planning Policy Statement 13 (PPS13) - Transportation and Land Use Planning Policy Statement 7 (PPS7) – Residential Development Planning Policy Statement 12 (PPS12) – Housing in Settlements Planning Policy Statement 15 (PPS15) - Planning and Flood Risk Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation
4.3	Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.
5.0	Statutory Consultee Responses
	None
6.0	Non-Statutory Consultee Responses
	Environmental Health – no objections
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
	Belfast Agenda (Community Plan)
9.0	Assessment
9.1	The proposal seeks permission under Section 54 of the Planning Act to vary two conditions, 12 and 15, under approved application reference LA04/2017/0235/F. Each will be assessed in turn.
9.2	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> • Impact on amenity / character of the area; • Flood risk from the proposal; <p>Policy context</p>
9.3	Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said Act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.4	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS

	states at paragraph 1.13 (page 7) that a number of policy statements, including PPS2, PPS3, and PPS 8 remain applicable under 'transitional arrangements'.
9.5	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. Paragraphs 4.37-40 highlights the preservation and improvement of the built and natural environment.
9.6	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.7	Within the BUAP the site is located within the development limits and is identified as whiteland.
9.8	Within draft Belfast Metropolitan Area Plan 2004 and draft Belfast Metropolitan Area Plan 2015, the site is located within the development limit and remains identified as whiteland.
	Principle of proposed development
9.9	The principle of housing development has been approved at this site. The application seeks to vary two conditions attached to that approval relating to drainage and to noise impacts on prospective residents and verification of mitigation measures provided.
	Condition 12
9.10	This condition relates to drainage and reads as follows: No dwelling or apartment hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Flood Risk Assessment have been constructed and installed in accordance with these details. A report verifying these measures have been installed shall be submitted to the satisfaction of the Local Planning Authority. The mitigation measures shall be permanently retained thereafter and not removed without the prior consent of the Local Planning Authority. Reason: To ensure adequate flood mitigation measures are provided for the site and to protect residential amenity.
9.11	The proposal seeks to substitute the 'flood risk assessment' for 'drainage assessment' as a correction to allow the condition to refer to the correct report. No alterations to the report are proposed. This is considered acceptable and will ensure drainage mitigation measures are delivered as part of the redevelopment works.
9.12	Condition 15 relates to the noise verification details and reads as follows: Prior to the occupation of the proposed apartments and dwellings the applicant shall provide to Planning Service, for approval, a Noise Verification Report which demonstrates that: a) The construction/design measures and noise mitigation measures recommended in the RPS additional report titled "Response Letter to Queries in Belfast City Council Letter ST/AM/394617 dated 11th April 2017 ref: NI1729/N/EHRL/03 have been implemented to

	<p>ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments and dwellings.</p> <p>b) That the entire window system (including frames, seals etc) and ventilator units to the residential apartments and dwellings have been so installed so as to ensure that internal noise levels within any proposed residential apartment or dwellings shall:</p> <ul style="list-style-type: none"> - Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; - Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; - Not exceed 45 dB LAmax more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements; <p>All noise mitigation measures shall be permanently retained following installation.</p> <p>Reason: Protection of human health and residential amenity</p> <p>9.13 In considering the previous application, a Noise Report was submitted by the applicant which proposed various mitigation measures to overcome excessive noise. This adequately addressed concerns and was subject to a planning condition to ensure that a noise verification report is submitted in line with Belfast City Council EPU's recommendations.</p> <p>9.14 An updated noise report has been submitted in support of the proposal and considered by Environmental Health. The report has presented revised façade and ventilation mitigation measures and has highlighted the properties within the scheme which require the relevant mitigation measures. Furthermore, the report has presented that certain facades subjected to noise levels not exceeding 50dB and at further distances from the Upper Newtownards Road and screened by intervening properties require no additional mitigation measures.</p> <p>9.15 Based on the updated noise assessment, Environmental Health have no objection to the condition being revised to the following:</p> <p><i>Prior to the occupation of each phase of the proposed development, the applicant shall provide to Planning Service, for approval, a Noise Verification Report which demonstrates that:</i></p> <p><i>a) The construction/design measures and noise mitigation measures recommended in the FR Mark's Noise Impact Assessment dated January 2020 have been implemented to ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments and dwellings.</i></p> <p><i>b) That the entire window system (including frames, seals etc.) and ventilator units to the residential apartments and dwellings have been so installed so as to ensure that internal noise levels within any proposed residential apartment or dwellings shall:</i></p> <ul style="list-style-type: none"> • <i>Not exceed 35 dB LAeq, 16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</i>
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<p>9.16</p> <p>9.17</p> <p>9.18</p> <p>9.19</p>	<ul style="list-style-type: none"> • <i>Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</i> • <i>Not exceed 45 dB LAmax more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;</i> <p><i>All noise mitigation measures shall be permanently retained following installation.</i></p> <p><i>Reason: Protection of human health and residential amenity</i></p> <p>Approval of a variation of condition application creates a new standalone planning permission. It is therefore necessary to repeat all the other conditions from the previous planning permission.</p> <p>The aims and purpose of the conditions would remain unaltered and amenity of prospective and existing residents would not be compromised. Accordingly, the revised conditions are considered acceptable.</p> <p>Developer Contribution</p> <p>Planning permission LA04/2017/0235/F was subject to a Section 76 Planning Agreement to secure a contribution of £53,000 towards the provision and improvement of open space and recreation facilities to mitigate to some extent against the impact of the development.</p> <p>Unless the contribution payment required under the above Section 76 is received, it will be necessary to enter into a new planning agreement as this is a standalone permission.</p>
<p>10.0</p> <p>10.1</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended due to compliance with policy and taking account of consultation responses.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and, if necessary, to enter into a new planning agreement.</p>
<p>Neighbour Notification Checked Yes</p>	

ANNEX	
Date Valid	9th December 2019
Date First Advertised	20th December 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 -15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 134 – 150 Ardcarne Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 71 Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, 717 – 719 Upper Newtownards Road,Belfast,Down,BT4 3NR The Owner/Occupier, 73 - 93 Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, Apartment 1 - 6,Rosepark Lodge,Rosepark,Belfast,BT5 7RH	
Date of Last Neighbour Notification	17th December 2019
Date of EIA Determination	N/A
ES Requested	No
Planning History	
<p>Ref ID: Z/2014/1106/O Proposal: Residential development with associated roadworks and landscaping. 8No. 4 bed detached, 24No. 3 bed semi-detached, 4No. 2 bed apartments, 8No. 3 bed townhouses (44 dwellings) (additional information _ revised description). Address: Site at Rosepark, Upper Newtownards Road, Belfast, BT4 3NR, Decision: WITHDR Decision Date: 09.08.2016</p> <p>Ref ID: LA04/2017/0235/F Proposal: Demolition of existing office building and construction of residential development comprising of 53 No. units (18 apartments, 21 detached, 14 semi-detached, with associated car parking and landscaping). Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR., Decision: PG Decision Date: 17.04.2018</p> <p>Ref ID: LA04/2019/0135/DC Proposal: Discharge of Condition 9 of planning approval La04/2017/0235/f Address: Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR, Decision: AL Decision Date:</p>	

Ref ID: LA04/2019/2871/F

Proposal: Variation of condition 12 to include reference to submitted drainage assessment and variation of condition 15 to provide noise verification report prior to occupation of each phase of development.

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision:

Decision Date:

Ref ID: LA04/2019/2625/DC

Proposal: Discharge of condition 16 (part A) of planning approval LA04/2017/0235/F relating to ground gas protection measures

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision:

Decision Date:

Ref ID: LA04/2016/1010/PAN

Proposal: Development of 53 residential units (22 detached houses, 16 semi-detached houses, 3 townhouses, 12 apartments)

Address: Rose Park, Upper Newtownards Road, Belfast, BT5 7RH,

Decision: PANACC

Decision Date:

Ref ID: LA04/2019/1216/F

Proposal: Change of house types (32no. units) at plots 16, 17, 18, 20, 21, 22, 26, 28, 29, 31, 32, 33, 34 & 35 to include 2 no. detached garages, 10no. semi-detached garages and 2 no. internal garage and elevational changes to apartment block (plots 36-53) to that previously approved under LA04/2017/0235/F

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision: PG

Decision Date:

Ref ID: LA04/2019/1398/F

Proposal: Variation of conditions of Approval LA04/2017/0235/F for 53 residential units as follows: Condition 16 relating to remediation of contamination to include reference to the remedial measures outlined in both the Generic Quantitative Risk Assessment Report dated January 2017 and an updated Ground Gas Risk Assessment and Remedial Strategy dated May 2019; and variation of condition 26 relating to phasing of development to allow construction in accordance with an updated construction programme.

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,

Decision: PG

Decision Date: 23.09.2019

Ref ID: LA04/2018/2851/DC

Proposal: Discharge of condition no 13 relating to construction management plan of LA04/2017/0235/F

Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,
Decision: AL
Decision Date:

Ref ID: Z/2000/0164/F
Proposal: Site for erection of two houses and four apartments.
Address: 71 Rosepark & Rosepark Meadows, Belfast, BT5.
Decision:
Decision Date: 19.05.2000

Drawing Numbers and Title

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department: