

## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 13 October 2020	
<b>Application ID:</b> LA04/2020/1356/F	
<b>Proposal:</b> Variation of Approvals LA04/2019/1398/F and 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 an updated remedial strategy for the site.	<b>Location:</b> Lands at former Rosepark House Upper Newtownards Road Belfast BT4 3NR
<b>Referral Route: Committee (variation to a major application)</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Lesley Developments Ltd c/o Osborne King The Metro Building 6-9 Donegall Square North Belfast BT1 5JA	<b>Agent Name and Address:</b> Coogan & Co Architects Ltd 122 Upper Lisburn Road Finaghy Belfast Bt10 0BD
<b>Executive Summary:</b>  <p>The proposal seeks permission under Section 54 of the Planning Act to vary condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F following further testing / sampling of site material. The WYG report includes new soil investigation and assessment and an updated conceptual site model and remedial strategy for Zone B following a reduction in levels across the application site. WYG conclude that the previously conditioned requirement for a capillary break layer is not required in the clean cover system in Zone B. WYG recommend that an updated remediation strategy for the site should be included in a variation to Condition 16.</p> <p>The submitted documentation notes that a capillary break layer is not required in the clean cover system in Zone B of the site. This has been concluded as a result of a number of factors including the locations of the exceedances identified within the 2015/2016 testing, the low mobility of the contaminants identified and the lack of contamination within groundwater.</p> <p>It is noted within the supporting information that all material to be used in the capping layer should be demonstrably clean and suitable for use; this is to be determined by sampling (at a density of one sample per 250m<sup>3</sup>) and analysis of the material for the contaminants considered within the WYG Generic Quantitative Risk Assessment (2017).</p>	

Environmental Health and DEARA Waste and Contamination have been consulted on the updated information and have no objections to the proposed variation of condition 16 based on the information presented.

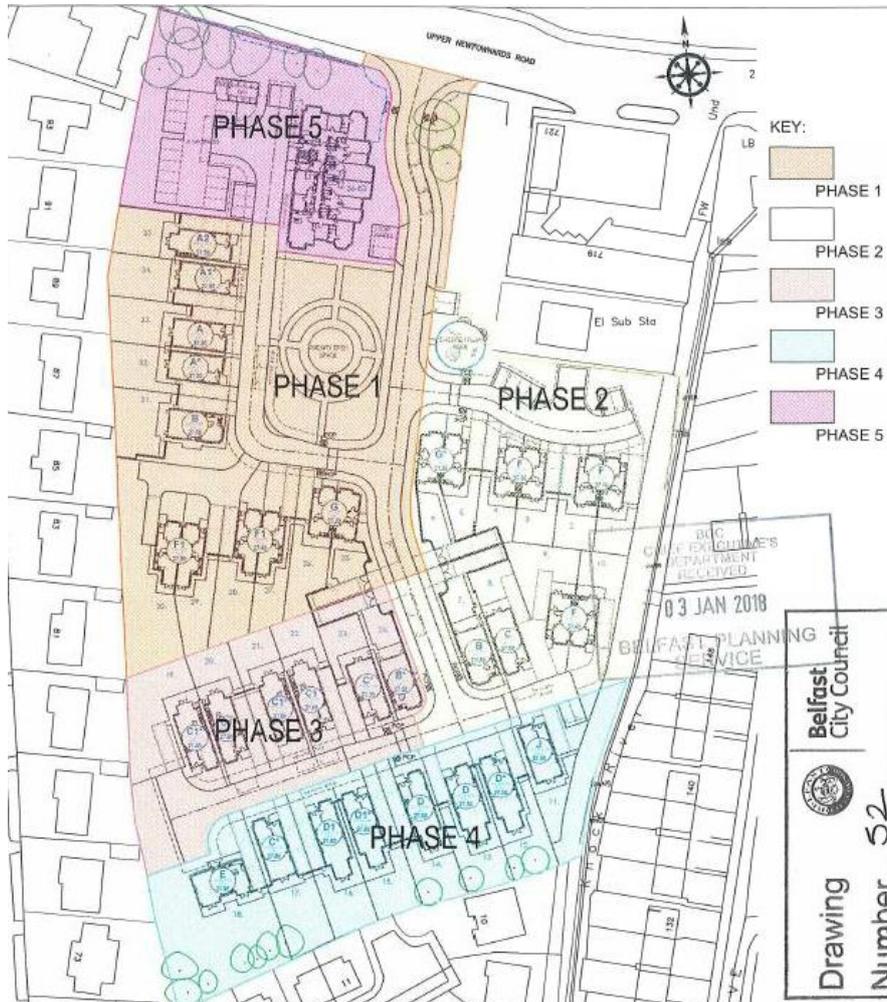
The scope of the application relates to the variation of condition 16 only, and accordingly all other aspects of the application including layout, design etc. will remain as previously approved.

The proposal will not adversely impact on amenity or public health and is therefore compliant with all relevant policy considerations as set out in the original report (appended). Policy considerations also remain as set out in that report.

Approval is therefore recommended subject to delegated authority to the Director of Planning & Place to finalise the wording of the condition.

# Case Officer Report

## Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	NIEA	Content
Non Statutory	Env Health Belfast City Council	Substantive Response Received
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	
<p>Characteristics of the Site and Area</p> <p>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 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>There is a substation to the Northeast of the site, and an access laneway to this building. A NIW wayleave 30m wide is located adjacent to the eastern site boundary. There is low density housing to the south, west, and north of the site.</p> <p>Construction works on the site is underway.</p>		
Description of Proposal		
<p>Variation of Approvals LA04/2019/1398/F and 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 an updated remedial strategy for the site.</p>		
Planning Assessment of Policy and Other Material Considerations		

The policy considerations remain as set out in the original report (appended below), and include the following:

Belfast Urban Area Plan & draft Belfast Metropolitan Area Plan 2015  
 Strategic Planning Policy Statement (SPPS)  
 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation  
 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking  
 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

Supplementary Planning Guidance including 'Creating Places', Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

The proposal seeks permission under Section 54 of the Planning Act to vary condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F following further testing / sampling of site material. The WYG report includes new soil investigation and assessment and an updated conceptual site model and remedial strategy for Zone B following a reduction in levels across the application site. WYG conclude that the previously conditioned requirement for a capillary break layer is not required in the clean cover system in Zone B. WYG recommend that an updated remediation strategy for the site should be included in a variation to Condition 16.

Condition 16 of LA04/2017/0235/F, which has previously been varied under application LA04/2019/1398/F, and is approved as follows:

*16. Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd reports entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056) and as updated by 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) have been implemented.*

*The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:*

*a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.*

*b. A clean capping layer of minimum depth 800mm, which includes 200mm capillary break, of demonstrably suitable material (for residential with plant uptake), has been installed in all proposed private gardens (both zones and all phases).*

*c. A clean capping layer of minimum depth 500mm, of demonstrably suitable material (for residential with plant uptake), has been installed in all landscaped and communal areas (both zones and all phases).*

*All mitigation measures shall be permanently retained in accordance with the approved details.*

*Reason: Protection of human health.*

The submitted documentation notes that a capillary break layer is not required in the clean cover system in Zone B of the site. This has been concluded as a result of a number of factors including the locations of the exceedances identified within the 2015/2016 testing, the low mobility of the contaminants identified and the lack of contamination within groundwater.

It is noted within the letter that all material to be used in the capping layer should be demonstrably clean and suitable for use; this is to be determined by sampling (at a density of one sample per 250m<sup>3</sup>) and analysis of the material for the contaminants considered within the WYG Generic Quantitative Risk Assessment (2017). Environmental Health note that this chemical testing will need to be compared to the most up to date Generic Assessment Criteria for a residential with plant uptake end use. The supporting information also notes that the material should be free of any asbestos fibres and asbestos containing materials.

On the basis of the information submitted and the authoritative statements contained therein, it is therefore recommended that condition 16 of LA04/2019/1398/F be varied to state:

*Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056), and as amended by the WYG report entitled 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) and the WYG letters dated 6th July 2020 and 9th August 2020, have been implemented.*

*The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:*

*a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.*

*b. In Zone A (Phases 1 and 5), a clean capping layer of demonstrably suitable material (for residential with plant uptake), which includes a 200mm capillary break, has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.*

*c. In Zone B (Phases 2, 3 and 4), a clean capping layer of demonstrably suitable material (for residential with plant uptake) has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.*

*All mitigation measures shall be permanently retained in accordance with the approved details.*

*Reason: Protection of human health.*

No other alterations to the permission are proposed and accordingly the layout and design details will remain as previously approved.

No objections have been received from Environmental Health or DEARA Waste & Land Contamination section.

No objections have been received from the public.

Approval is therefore recommended subject to the updated condition and repeating of the conditions previously applied to the original and varied permissions.

Delegated authority to the Director of Planning & Building Control to finalise the wording of conditions

Neighbour Notification Checked

Yes

#### Conditions

1. The development hereby permitted shall be begun before the 11th April 2023.

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

2. Notwithstanding the provisions of Article 3 and Parts 1, 2 and 3 Class A and B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of the Council.

Reason: To preserve the integrity of the design and layout of the development, mitigate flood risk, and in the interests of residential amenity.

3. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

4. All windows to be finished in obscure glass shall be installed before the occupation of the dwellings hereby permitted as indicated on the approved plans, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass to the satisfaction of the Belfast City Council Local Planning Authority.

Reason: In the interests of amenity.

5. All hard and soft landscape works shall be completed in accordance with the approved drawing 03B date stamped received 01 November 2017 (as approved under LA04/2017/0235/F), the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

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

6. Trees and vegetation to be retained within the site and proposed planting as indicated on drawing number 03B date stamped received 01 November 2017 (as approved under LA04/2017/0235/F), shall not be cut down, uprooted or destroyed, or have their roots damaged

within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Belfast City Council Planning Authority. All arboricultural work shall be carried out in accordance with the approved details, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works).

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

7.No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

The developer shall inform the Local Planning Authority on completing the installation of all tree protection measures so that the Local Planning Authority or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Local Planning Authority in writing.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

8.Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

9. No development hereby permitted shall commence until a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by Belfast City Council Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and no changes implemented without the consent of Belfast City Council Local Planning Authority.

Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.

10.Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Belfast City Council Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.

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

11. Prior to the occupation of any apartment hereby permitted the bin store area and associated screen landscaping shall be constructed in accordance with the approved drawings 02B and 50 date stamped received 01 November 2015 (as approved under LA04/2017/0235/F), and permanently retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.

Reason: In the interests of residential and visual amenity.

12. No dwelling or apartment hereby permitted shall be occupied until all drainage mitigation measures as set out in the submitted Flood Risk Assessment (as approved under LA04/2017/0235/F) 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.

13. A detailed Construction Method Statement(s) for in / near water works must be submitted to the Belfast City Council Planning Authority prior to the commencement of any construction works hereby permitted. This shall include detailed drawing plans, demonstrating buffer zones to the watercourse as well as the storm drainage proposed. Details of all pollution prevention measures to be employed during the works, this must include details of the safe use of wet concrete on the site, the erection of a suitable barrier to prevent the egress of contaminated surface water runoff from the construction site into the watercourse, the refuelling of construction machinery and the storage of fuel/ spoil shall be undertaken at least 10 metres from the boundary of all watercourses.

Reason to ensure no impacts on any European Designated Sites.

14. There shall be no direct discharge of contaminated surface water from the site to the any watercourse during construction.

Reason: to ensure no impacts on any European Designated Sites.

15. 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 (submitted under LA04/2017/0235/F) 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.

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:

- 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 LAmx 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;

All noise mitigation measures shall be permanently retained following installation.

Reason: Protection of human health and residential amenity.

16. Prior to the occupation of each phase of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Service, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Rosepark House, Generic Quantitative Risk Assessment, Coogan & Co' (dated January 2017 and referenced A097056), and as amended by the WYG report entitled 'Lands at Rosepark House, Updated Ground Gas Risk Assessment and Remedial Strategy, Client: Coogan & Co. Architects Ltd' (dated May 2019 and referenced A109374) and the WYG letters dated 6th July 2020 and 9th August 2020, have been implemented.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use (residential with plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be completed by competent persons and be in accordance with current guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance. In particular the Verification report must demonstrate that:

- a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in Zone A (Phases 1 and 5) in accordance with BS 8485:2015+A1:2019 and their installation has been verified in line with CIRIA C735. The membrane installed shall be gas and vapour resistant.
- b. In Zone A (Phases 1 and 5), a clean capping layer of demonstrably suitable material (for residential with plant uptake), which includes a 200mm capillary break, has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.
- c. In Zone B (Phases 2, 3 and 4), a clean capping layer of demonstrably suitable material (for residential with plant uptake) has been installed in all private gardens to a depth of 800mm and in all landscaped and communal areas to a depth of 500mm.

All mitigation measures shall be permanently retained in accordance with the approved details.

Reason: Protection of human health.

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

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing

No.15-234-PSD01 Rev.B bearing the Department for Infrastructure Determination date stamp 28th November 2017 (as approved under LA04/2017/0235/F).

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

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

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

20.The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

21. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.

22. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.

Reason: To prevent damage to or obstruction of services within the service strip.

23.The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.15-234-PSD01 Rev.B bearing the date stamp 01st November 2017 (as approved under LA04/2017/0235/F) to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure adequate provision has been made for parking within the site.

24.The vehicular accesses, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

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

25.No apartment hereby permitted shall be occupied until secure and covered cycle parking facilities have been provided on the site in accordance with the approved details and shall be permanently retained thereafter.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

26. The development shall be constructed in accordance with the agreed phasing plan drawing 52A date stamped received 12th September 2019 by Belfast Planning Service and any subsequent phase shall not be occupied before the works comprised in all previous phases are completed in accordance with the approved plans to the satisfaction of the Local Planning Authority.

Reason: To secure the programming and phasing of, and an orderly pattern to the development.

Signature(s)

Date:

<b>ANNEX</b>	
<b>Date Valid</b>	21st July 2020
<b>Date First Advertised</b>	24th July 2020
<b>Date Last Advertised</b>	31st July 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 - 15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 9– 15 Ardcarne Way,Belfast,Down,BT5 7RP The Owner/Occupier, 134 – 148 Ardcarne Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 15 Ardcarne Way,Belfast,Down,BT5 7RP The Owner/Occupier, 15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 150 Ardcarne Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 717 Upper Newtownards Road,Belfast,Down,BT4 3NR The Owner/Occupier, 719 Upper Newtownards Road,Belfast,Down,BT4 3NU The Owner/Occupier, 73 - 93 Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, Annex B, C & D Dundonald House,Upper Newtownards Road,Belfast,Down,BT4 3TB The Owner/Occupier, Apartment 1 – 6 ,Rosepark Lodge,Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, Dundonald House,Upper Newtownards Road,Belfast,Down,BT4 3UA	
<b>Date of Last Neighbour Notification</b>	28th July 2020
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  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  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:  Ref 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.  
Address: Lands at Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision: PG  
Decision Date: 19.03.2020

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: AL  
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: 22.05.2020

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: LA04/2020/1356/F  
Proposal: 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

and

LA04/2019/1398/F - 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 former Rosepark House, Upper Newtownards Road, Belfast, BT4 3NR.,  
Decision:  
Decision Date:

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: LA04/2020/0862/DC

Proposal: Discharge of condition 16 B \_ C of approval LA04/2017/0235/F relating to contamination.

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

Decision:

Decision Date:

Ref ID: LA04/2018/1704/A

Proposal: 2No. temporary freestanding aluminium advertisement signs for a new housing development (for a period of 28 months).

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

Decision: CG

Decision Date: 18.09.2018

Ref ID: LA04/2020/0863/DC

Proposal: Discharge of condition no 15 of LA04/2017/0235/F (varied under LA04/2019/2871/F) relating to noise verification.

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

Decision:

Decision Date:

Ref ID: LA04/2020/0406/DC

Proposal: Discharge of condition 12 LA04/2017/0235/F.

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

Decision: AL

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:

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 12 December 2017</b>	
<b>Application ID:</b> LA04/2017/0235/F	
<b>Proposal:</b> 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.	<b>Location:</b> Lands at Rosepark House Upper Newtownards Road Belfast BT4 3NR.
<b>Referral Route:</b> Planning Committee – major application (exceeds 50 dwellings)	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Kirk Bryson & Co. Ltd Lesley House 605 Lisburn Road Belfast BT9 7GS	<b>Agent Name and Address:</b> Coogan & Co. Architects Ltd 144 Upper Lisburn Road Belfast BT10 0BG
<p><b>Executive Summary:</b></p> <p>The proposal comprises 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.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Character of the Area;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking</li> </ul> <p>The site is located within the development limits of Belfast in the BUAP and dBMAP 2015 and is identified as ‘whiteland’ and therefore not subject to any particular zonings. The last use of the site comprised Government Offices, the majority of which have now been demolished. Given the thrust of regional policy to encourage redevelopment of brownfield sites, and the surrounding context of predominantly housing use, the principle of housing at this site is acceptable subject to detailed considerations.</p> <p>The proposed layout has been largely informed by constraints within the site, including mature trees along the site frontage and southern (rear) boundary, an earth bank along the western site boundary, and the Knock River which traverses the eastern site boundary. The layout accords with supplementary guidance in terms of separation distances between proposed and neighbouring existing buildings – approximately 15m min between front elevations, with separation distances between rear elevations generally in excess of 20m. The apartment block (3.5 storeys) is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). Residential amenity of existing and prospective residents will not be adversely affected</p>	

due to sufficient separation distances. The layout broadly accords with the suburban character of the locality in terms of built form.

Amenity space provision for both dwellings and apartments are generally in excess of minimum standards discussed in supplementary guidance, with lowest provision of private amenity space being approximately 73sqm in several dwelling units, increasing to approximately 150sqm. Outdoor communal garden areas are proposed for the apartments, which includes seating and landscaped areas. Communal open space comprises a main area roughly centrally within the site (950sqm approximately), with further amenity areas around the site periphery, including a playground area (approximately 150 sqm). Within this suburban context, the level of provision is considered acceptable, also taking account of the proximity of public open space within Stormont Estate.

Consultees including Environmental Health, Transport NI, Rivers Agency, NIEA, NI Water, Natural Heritage, Shared Environmental Services, have no objection to the proposal subject to conditions.

No representations from any elected representatives or the public have been received.

Having had regard to the development plan, relevant planning policies and other material considerations it is concluded that the proposal complies with the development plan, regional planning policy and other material considerations, it is recommended that the proposal should be approved subject to conditions.

It is therefore requested Committee delegate authority to the Director of Planning and Place to grant planning permission subject to the final wording of conditions to be agreed and to agree the terms of a legal agreement under Section 76.

# Case Officer Report

## Site Location Plan





<b>Representations:</b>	
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
Neighbour Notification Checked	Yes

## 1.0 Characteristics of the Site and Area

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.

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.

There is a substation to the Northeast of the site, and an access laneway to this building. A NIW wayleave 30m wide is located adjacent to the eastern site boundary. There is low density housing to the south, west, and north of the site.

## 2.0 Proposal

53 No. units (18 apartments, 21 detached, 14 semi-detached), with associated car parking and landscaping.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

No relevant history

### 4.0 Policy Framework

- 4.1 Belfast Urban Area Plan & draft Belfast Metropolitan Area Plan 2015
- 4.2 Strategic Planning Policy Statement (SPPS)
- 4.3 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation
- 4.4 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
- 4.5 Planning Policy Statement 13 (PPS13) - Transportation and Land Use
- 4.6 Planning Policy Statement 7 (PPS7) – Residential Development
- 4.7 Planning Policy Statement 12 (PPS12) – Housing in Settlements
- 4.8 Planning Policy Statement 15 (PPS15) - Planning and Flood Risk
- 4.9 Planning Policy Statement 8 (PPS8) – Open Space

4.10 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

### 5.0 Statutory Consultee Responses

- 5.1 NI Water - No objection
- 5.2 DARD - Rivers Agency - No objection
- 5.3 NIEA - Waste Management - No objection subject to conditions
- 5.4 DFI - Transport NI - No objection subject to conditions

<p>5.5 DFC – Natural Heritage – no objections subject to conditions</p> <p>5.6 DEARA Fisheries – no objections</p> <p><b>6.0 Non - Statutory Consultee Responses</b></p> <p>6.1 BCC Environmental Health - No objection subject to conditions</p> <p>6.2 Shared Environmental Services – no objections subject to conditions;</p>	
<b>7.0</b>	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press and no representations have been received.</p> <p>No representations from any elected representatives have been received.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	None
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Character of the Area;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking</li> </ul>
9.2	<p>Permission is sought for 53 dwellings comprising 35 dwellings (12 semi-detached dwellings, 23 detached, and 18 apartments (3 1 bed and 15 2-bed), in addition to open space, landscaping, and associated access infrastructure. Due to the nature of the proposal, the BUAP, dBMAP and regional housing policies are significant policy considerations.</p>
9.3	<p>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. 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 paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS’s remain applicable under ‘transitional arrangements’ including PPS3 and PPS7.</p> <p><b>Principle of proposed development Use</b></p>
9.4	<p>The site is located within the development limits of Belfast in the dBMAP 2015 and is identified as ‘whiteland’ and therefore not subject to any particular zonings. Nor is it subject to any zonings within the last adopted plan BUAP. Its last use comprised Government Offices, the majority of which have now been demolished on site. The site is therefore brownfield. As the respective plans are silent on the site, the main considerations are set out in regional housing policies including PPS7, and the addendum to PPS 7. Given the thrust of regional policy to encourage redevelopment of brownfield sites, and the surrounding context of predominantly housing use, the principle of housing at this site is acceptable subject to detailed considerations. A mix of housing types is proposed including apartments, semi-detached and detached dwellings. A mix of dwelling types is encouraged in regional policy to assist with social</p>

	<p>inclusion and other benefits. These types are evident in the locality historically and through redevelopment schemes. Accordingly, the dwelling types are acceptable in principle.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p> <p>9.5 The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.</p> <p><b>Layout</b></p> <p>9.6 The proposed layout has been largely informed by constraints within the site, including mature trees along the site frontage and southern (rear) boundary, an earth bank along the western site boundary, and the Knock River which traverses the eastern site boundary. The layout accords with supplementary guidance in terms of separation distances between proposed and neighbouring existing buildings – approximately 15m min between front elevations, with separation distances between rear elevations generally in excess of 20m. The apartment block is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). The layout broadly accords with the suburban character of the locality in terms of built form.</p> <p><b>Amenity and Open Space</b></p> <p>9.7 Amenity space provision for both dwellings and apartments are generally well in excess of minimum standards discussed in supplementary guidance, with lowest provision of private amenity space being approximately 73sqm in several dwelling units, increasing to approximately 150sqm. Outdoor communal garden areas are proposed for the apartments, which includes seating and landscaped areas. Communal open space comprises a main area roughly centrally within the site (950sqm approximately), with further amenity areas around the site periphery, including a playground area (approximately 150 sqm). Within this suburban context, the level of provision is considered acceptable, also taking account of the proximity of public open space within Stormont Estate. In addition, adequate public open space and management arrangements are provided as part of the development, and related requirements under PPS7 and PPS8 are therefore satisfied. Conditions are necessary to secure provision and adequate maintenance arrangements.</p> <p><b>Design &amp; Materials</b></p> <p>9.8 The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and having regard to the previous permissions in the locality. Dwellings are generally 6m to eaves with ridge heights varying between 9 and 10m depending on house type. The apartment block is 3.5 storeys in height, with eaves height of 10m and ridge height of generally 12.3m and 12.8m to the highest section. The proposed designs are therefore compliant with</p>
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	<p>criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.</p>
9.9	<p><b>Impact on Residential Amenity</b></p> <p>There are existing residential uses immediately adjacent to the east, west, and south of the application site. The layout/aspect of all buildings within the site is such that there will be not overlooking of neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties that dominance and overshadowing will not occur to an unacceptable degree – 17m at closest point to dwellings to the west, 20m at closest to the east, and 15m at closest to dwellings to the south (gable elevation). The apartment block is located 47m approximately from the nearest existing dwelling (36m to boundary at closest). Accordingly, the proposal will not adversely impact on the amenity of existing residents. In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. The accommodation proposed is in accordance / generally exceeds standards set out in the addendum to PPS7.</p>
9.10	<p><b>Landscaping</b></p> <p>The layout includes a landscaping scheme for the areas of open space, within the curtilage of new buildings, and around the site boundaries. It includes the retention of approximately 22 trees, and new planting of approximately 92 trees, in addition to hedge, shrub and screen planting. The planting scheme has been reviewed by the Tree Officer and is acceptable in terms of species proposed. Conditions are necessary to secure provision, maintenance and management of the landscaping proposed.</p>
9.11	<p><b>PPS15 – Flooding</b></p> <p>Rivers Agency and NI Water have been consulted on the application, and assessed the submitted drainage assessment. A 5m maintenance wayleave adjacent to the riverbank has been facilitated within the layout. The site level and finished floor levels of buildings exceed the 1 in 100 year flood levels of the adjacent watercourse and attenuation of run off to green field rates is proposed. Neither consultee has any objections to the proposal therefore it is considered that the proposal will not result in or be impacted unacceptably by flooding. Given the positive consultee responses, it is considered that the proposal is compliant with PPS15 requirements. A condition is necessary to ensure delivery of the mitigation measures proposed, including storm water attenuation measures.</p>
9.12	<p><b>Traffic, Parking and associated Roads considerations</b></p> <p>Transport NI were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes 126 parking spaces. In curtilage parking provision for the proposed dwellings is provided in accordance with the parking standards. A parking court is proposed for the apartments, including cycle parking and sufficient spaces are provided for prospective residents. Overall, however, the development will provide a shortfall of 8 spaces. However, it is considered that, the shortfall is acceptable in this case due to benefits of increased amenity space and taking account of the proximity to public transport links on Upper Newtownards Road, including a proposed Rapid Transit halt at the site frontage. The proposal provides a balanced solution to parking needs at the site, and will not compromise the amenity of existing residents in this regard as the layout is not linked to existing residential streets. The majority of spaces are in curtilage</p>

	<p>and dedicated internal cycle parking is provided adjacent to the apartment block. This aspect is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1.</p>
9.13	<p><b>Bin Storage</b></p> <p>The applicant has shown a bin storage area for the apartments. It is located sufficient distance from neighbouring properties that amenity of residents will not be impacted. Therefore, this aspect is acceptable. A condition is necessary to ensure delivery and retention of this facility.</p>
9.14	<p><b>Consultation Responses</b></p> <p>Environmental Health has no objections to the proposal in terms of public health matters including noise, disturbance and associated matters subject to conditions. NIEA Waste Management has no objections regarding land contamination issues. Natural Heritage are satisfied that the proposal will not adversely impact on flora and fauna. Archaeology and Built Heritage have no objections. Shared Environmental Services have deemed the proposals acceptable in relation to the Habitats Directive and accordingly have no objection subject to conditions.</p> <p><b>Pre-Application Community Consultation</b></p>
9.15	<p>For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p>
9.16	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/1010/PAN) was submitted to the Council on 20 May 2016. Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.17	<p>A Pre Community Consultation Report has been submitted in support of this application. It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
9.18	<p>No objections have been received following the advertisement and notification process.</p>
9.19	<p><b>Developer Obligations</b></p> <p>In this case, it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement under Section 76 of the Planning Act with Belfast City Council in order to mitigate to some extent against the impact of the development. The works to be undertaken / and or sum of monies are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to meet these obligations and provide satisfactory contributions.</p>

10.0	<b>Recommendation</b>
	<p>Having regard to the policy context and other material considerations above including the planning history, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions and a legal agreement under Section 76 of the Planning Act.</p>
<p><b>Draft Conditions (Delegation of final conditions to Director of Planning &amp; Place Requested):</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Notwithstanding the provisions of Article 3 and Parts 1, 2 and 3 Class A and B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of the Council.</p> <p>Reason: To preserve the integrity of the design and layout of the development, mitigate flood risk, and in the interests of residential amenity.</p> <p>3. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity</p> <p>4. All hard and soft landscape works shall be completed in accordance with the approved drawing no date stamped received the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved.</p> <p>All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5. Trees and vegetation to be retained within the site and proposed planting as indicated on drawing number TBC date stamped received TBC, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Belfast City Council Planning Authority. All arboricultural work shall be carried out in accordance with the approved details, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works).</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.</p>	

6. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

The developer shall inform the Local Planning Authority on completing the installation of all tree protection measures so that the Local Planning Authority or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Local Planning Authority in writing.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

7. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

8. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any changes shall not be implemented without the prior consent of Belfast City Council Planning Authority.

Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Belfast City Council Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its written consent to any request for variation.

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

10. Prior to the occupation of any apartment hereby permitted the bin store area and associated screen landscaping shall be constructed in accordance with the approved drawings, and permanently retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.

Reason: In the interests of residential and visual amenity.

11. No part of the development hereby permitted shall commence until a phasing plan for the development of the site has been submitted to and approved by the Local Planning Authority.

The communal open space and children play area shall be constructed in accordance with the approved details prior to the commencement of any part of the final phase of development.

Reason: In the interests of amenity and to ensure the orderly development of the site.

12. 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.

13. A detailed Construction Method Statement(s) for in / near water works must be submitted to the Belfast City Council Planning Authority prior to the commencement of any construction works hereby permitted. This shall include detailed drawing plans, demonstrating buffer zones to the watercourse as well as the storm drainage proposed. Details of all pollution prevention measures to be employed during the works, this must include details of the safe use of wet concrete on the site, the erection of a suitable barrier to prevent the egress of contaminated surface water runoff from the construction site into the watercourse, the refuelling of construction machinery and the storage of fuel/ spoil shall be undertaken at least 10 metres from the boundary of all watercourses.

Reason To ensure no impacts on any European Designated Sites.

14. There shall be no direct discharge of contaminated surface water from the site to the any watercourse during construction.

Reason To ensure no impacts on any European Designated Sites.

15. 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 ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments and dwellings.

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:

- 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 L<sub>Amax</sub> 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;

Reason: Protection of human health and residential amenity

16. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG report titled “Rosepark House Generic Quantitative Risk Assessment A097056” dated January 2017 job number A09705 have been implemented.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages as outlined in the WYG report are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:

- a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in accordance with BS 8485 and their installation has been verified in line with Ciria C735. The membrane installed shall be gas and vapour resistant.
- b. That a minimum of 800mm clean capping layer which includes 200mm capillary break, of demonstrably suitable material (for residential with plant uptake) has been installed in the proposed private gardens
- c. That a minimum of 500mm capping layer of demonstrably suitable material has been installed in the landscaped and communal areas.

Reason: in the interests of public health and amenity.

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

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

18. After completing the remediation works under Condition 17; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.15-234-PSD01 Rev.B bearing the Department for Infrastructure Determination date stamp 28th November 2017.

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

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

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

21. The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

22. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.

23. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.

REASON: To prevent damage to or obstruction of services within the service strip.

24. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.15-234-PSD01 Rev.B bearing the date stamp 01st November 2017 to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure adequate provision has been made for parking within the site.

25. The vehicular accesses, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.

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

26. No apartment hereby permitted shall be occupied until secure and covered cycle parking facilities have been provided on the site in accordance with the approved details and shall be permanently retained thereafter.

REASON: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

<b>ANNEX</b>	
<b>Date Valid</b>	31st January 2017
<b>Date First Advertised</b>	17th February 2017
<b>Date Last Advertised</b>	
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 1 Ardcarne Way, Tullycarnet, Belfast, Down, BT5 7RP,  The Owner/Occupier, 10 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 11 Ardcarne Way, Tullycarnet, Belfast, Down, BT5 7RP,  The Owner/Occupier, 11 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 12 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 13 Ardcarne Way, Tullycarnet, Belfast, Down, BT5 7RP,  The Owner/Occupier, 13 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 132 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 134 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 136 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 138 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 14 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 140 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 142 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 144 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 146 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 148 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 15 Ardcarne Way, Tullycarnet, Belfast, Down, BT5 7RP,  The Owner/Occupier, 15 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 150 Ardcarne Drive, Tullycarnet, Belfast, Down, BT5 7RT,  The Owner/Occupier, 7 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 71 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 719 Upper Newtownards Road, Ballymiscaw, Dundonald, Down, BT4 3NU,  The Owner/Occupier, 719 Upper Newtownards Road, Ballymiscaw, Dundonald, Down, BT4 3NU,  The Owner/Occupier, 73 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 75 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 77 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 79 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 8 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 81 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 83 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 85 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 87 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 89 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 9 Rosepark Meadows, Ballymiscaw, Belfast, Down, BT5 7TL,  The Owner/Occupier, 91 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,  The Owner/Occupier, 93 Rosepark, Ballymiscaw, Belfast, Down, BT5 7RH,</p>	

<p>The Owner/Occupier, Apartment 1,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Apartment 2,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Apartment 3,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Apartment 4,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Apartment 5,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Apartment 6,Rosepark Lodge,Rosepark,Ballymiscaw,Belfast,Down,BT5 7RH,  The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,  The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,  The Owner/Occupier, Rosepark House,717 Upper Newtownards Road,Ballymiscaw,Dundonald,Down,BT4 3NR,</p>	
<b>Date of Last Neighbour Notification</b>	21st November 2017
<b>Date of EIA Determination</b>	10.03.2017
<b>ES Requested</b>	No
<p><b>Planning History</b></p> <p>Ref ID: Z/2001/3059/CD  Proposal: Provision of additional office accommodation  Address: Rosepark House, Upper Newtownards Road, Dundonald, Belfast, BT4 3NR  Decision:  Decision Date: 28.01.2002</p> <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: WITHDRAWN  Decision Date: 09.08.2016</p>	
<p><b>Notification to Department (if relevant): N/A</b></p> <p>Date of Notification to Department:  Response of Department:</p>	