

## Development Management Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 17 September 2019	
<b>Application ID:</b> LA04/2019/1398/F	
<p><b>Proposal:</b> 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.</p>	<p><b>Location:</b> Lands at Rosepark House Upper Newtownards Road Belfast BT4 3NR.</p>
<b>Referral Route:</b> Planning Committee (amendment to a major application)	
<b>Recommendation:</b>	<b>Approval</b>
<p><b>Applicant Name and Address:</b> Lesley Developments Ltd Lesley House 601 Lisburn Road Belfast BT9 7GS</p>	<p><b>Agent Name and Address:</b> Coogan &amp; Co. Architects Ltd 122 Upper Lisburn Road Finaghy Belfast BT10 0BD</p>
<b>Executive Summary</b>	
<p>Planning permission was granted on 11<sup>th</sup> 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 16 and 26 attached to this planning permission.</p> <p>The variation of Condition 16 relates to the 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;</p> <p>The variation of Condition 26 relates to phasing of development to allow construction in accordance with an updated construction programme, to read 'any subsequent phase shall not be occupied before the works comprised in all previous phases are completed in accordance with the approved plans'</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</p>	

acceptable. Approval is recommended with delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

# 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
<b>Characteristics of the Site and Area</b>	
<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>	
<b>Description of Proposal</b>	
<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 variation of Condition 16 relates to the 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 relates to phasing of development to allow construction in accordance with an updated construction programme.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	
<p>The policy considerations remain as set out in the original report (appended below), and include the following:</p> <p>Belfast Urban Area Plan &amp; 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</p>	

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.

### **Representations**

The application has been neighbour notified and advertised in the local press and no representations have been received.

No representations from any elected representatives have been received.

### **Assessment**

The proposal seeks permission under section 54 of the Planning Act to vary two conditions, 16 and 26, under approved application reference LA04/2017/0235/F. Each will be assessed in turn.

#### Condition 16

This condition relates to contaminated land matters and specifically to the remediation measures proposed and subsequent verification and as approved reads as follows:

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. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall 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. 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.

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

Reason: in the interests of public health and amenity.

The current application seeks a revision of this condition (proposed revisions are in italics) to read as follows:

*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 revision relates to the remediation measures and the areas to which they will be applied. Consultation has been undertaken with Environmental Health and DEARA Regulation Unit Land and Groundwater Team who have no objections. The aims and purpose of the condition would remain unaltered and amenity of prospective and existing residents will not be compromised. Accordingly, the revised condition is therefore considered acceptable.

#### Condition 26

This condition relates to the phasing of the development and as approved reads as follows:

The development shall be constructed in accordance with the agreed phasing plan drawing 52 date stamped received 03 January 2018 by Belfast Planning Service and the construction of any subsequent phase shall not be commenced 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.

The agent has indicated that they are seeking a more rapid construction period for the project and the effect of the condition would increase the construction period. Accordingly a revision to the condition is requested to allow the completion of site works and greater flexibility in developing the site. Accordingly it is proposed to amend the condition to read:

The development shall be constructed in accordance with the agreed phasing plan drawing 52 date stamped received 03 January 2018 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.

The purpose of the condition is to secure the delivery of all approved works in association with each phase. Revising the condition to refer to the occupation stage rather than commencement would still achieve this aim and in turn provide a greater degree of flexibility for the construction phase. The aims and purpose of the condition would remain unaltered and amenity of prospective and existing residents would not be compromised. Accordingly, the revised condition is therefore considered acceptable.

No objections have been received from the public or neighbouring residents.

### Recommendation

The revised wording of conditions 16 and 26 is considered acceptable and an approval is recommended with delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions.

Neighbour Notification Checked

Yes

### Conditions

1. 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.

2. 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.

3. After completing the remediation works under Condition 1; 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, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

4. The development shall be constructed in accordance with the agreed phasing plan drawing 52 date stamped received 03 January 2018 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.



<b>ANNEX</b>	
<b>Date Valid</b>	14th June 2019
<b>Date First Advertised</b>	28th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 – 15 Rosepark Meadows,Belfast,Down,BT5 7TL The Owner/Occupier, 11, 13, 15 Ardcarne Way,Belfast,Down,BT5 7RP The Owner/Occupier, 134 – 150 Ardcarne Drive,Belfast,Down,BT5 7RT The Owner/Occupier, 71 – 93 Rosepark,Belfast,Down,BT5 7RH The Owner/Occupier, 717 - 719 Upper Newtownards Road,Belfast,Down,BT4 3NX The Owner/Occupier, 719 Upper Newtownards Road,Belfast,Down,BT4 3NU The Owner/Occupier, Apartment 1 – 6 Rosepark Lodge,Rosepark,Belfast,Down,BT5 7RH	
<b>Date of Last Neighbour Notification</b>	10th July 2019
<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: LA04/2019/1216/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: Decision Date:	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	