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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

10th March, 2022

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 5.00 pm on Tuesday, 15th March, 2022.

Yours faithfully,

RONAN CREGAN

Deputy Chief Executive

AGENDA:

4 (a) Request to hold a Pre-Determination Hearing

LA04/2020/1943/F and LA04/2020/1944/LBC - Residential conversion of the existing listed warehouses to form 57 (1 to 3 bed units, including 60% social and affordable to include a minimum of 20% social housing at 3-19 (Former Warehouse) Rydalmere Street.

7 (c) (Reconsidered Item) LA04/2019/0081/F - 12 affordable housing apartments on former site of Maple Leaf at Park Avenue (Pages 1 - 24)

7 (d) (Reconsidered Item) LA04/2019/0082/F - Section 54 application to remove condition 2 of planning permission Z/2010/0434/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational). (Pages 25 - 40)

7 (e) (Reconsidered Item) LA04/2019/0083/F - Section 54 application to remove condition 2 of planning permission LA04/2015/0075/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational). (Pages 41 - 56)

7 (f) LA04/2020/2325/F - 21 dwellings (affordable housing) on former site of Maple Leaf at Park Avenue (Pages 57 - 76)

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Development Management Report Addendum Report 2	
Application ID: LA04/2019/0081/F	Date of Committee: 15 March 2022
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: Previously considered by the Planning Committee in December 2019	
Recommendation:	Approval subject to S76 planning agreement
Applicant Name and Address: Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Addendum Report: <u>Background</u> This application, along with associated applications LA04/2019/0082/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following: <ul style="list-style-type: none"> • a developer contribution of £52k for enhancement works at the King George V playing fields • securing the 12 apartments as affordable housing • ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report. Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.	

Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket

park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

Developer Contribution of £52k for off-site Open Space – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

Provision of affordable housing – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

Delivery and ongoing maintenance of the pocket park – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/020/2325/F.

Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

Development Management Report

Addendum Report 1

Application ID: LA04/2019/0081/F	Date of Committee: December 2019
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Addendum Report:</p> <p>This application was previously scheduled for Planning Committee on the 11th June 2019 with a recommendation for refusal. However, was not presented as a legal Agreement under Section 76 was submitted setting out mitigation against the proposed loss of open space. The application was withdrawn from committee to enable the consideration of the proposed terms of the Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of June 2019, attached below.</p> <p>The Case officer report attached below sets out two reasons for refusal in relation to</p> <ol style="list-style-type: none"> 1. The loss of open space 2. The under provision of amenity space for the proposed development <p>There were no other reasons for refusal. Notwithstanding the issue of principle the scheme was considered acceptable in terms of its design, height, scale, and mass; and access and parking. Therefore, this addendum deals only with the two matters set out above, all other considerations are set out in the case officer report.</p> <p><u>Principle of development</u></p> <p>Historically the site was in use as a substantial area of open space, a bowling green and club house / social club. Residential development was granted on the site subject to a replacement recreational social club being provided to off-set the loss of open space. The provision of the recreational social club in combination with the social housing to be provided was the justification for setting aside Policy OS1 of PPS 8 – Open Space, Sport and Recreation and granting the proposal.</p> <p>This current application proposes to build an apartment block in place of the social recreation club. In these particular circumstances, given the history of this site, the principle of the development on this site, was initially considered to be unacceptable as it will result in the almost total loss to the community of the open space and recreation use, in addition to providing minimal amenity space for residents. Therefore, refusal was originally recommended.</p>	

Following the publication of the officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

Terms of the Section 76 Agreement

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

Improve Parkgate site boundary

- Remove exiting concrete boundary fencing/walling
- Install new 250 x 125 x 905mm road kerb edge
- New hedge planting along boundary to kerb edge
- Supply & install new vehicular access barrier
- Construct low brick piers with existing concrete crest
- Pedestrian road crossing markings

Trim Trail

- New 1.2m wide bitmac path to site boundary
- Form new mounds with excavated material
- Remedial landscape works/seeding

Screen planting

- Screen planting to western boundary

Provision of private amenity space

In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. Creating Places recommends a minimum of between 10m²- 30m² per unit. Apartments 11 and 12 meet the recommended minimum however apartments 1-10 do not. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space. It is considered that insufficient private amenity space is proposed for the individual apartments. In respect of the communal amenity space provided this is in the form of a pocket park which will provide 450 square metres of amenity space. The provision of the pocket park between the proposed apartments and Park Avenue with landscaping and play equipment with access from Park Avenue so other residents can benefit and; the proposed developer contribution of over £52K to enhance 2.88ha of existing open space at the King George V playing fields, provides a wider community benefit to the existing and proposed residents and is considered to make an otherwise unacceptable scheme acceptable in these particular circumstances.

Linked Applications

Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.

The applicant also seeks the removal of condition no.2 of planning permissions Z/2010/0434/F and LA04/2015/0075/F, which are attached to the original permissions and relate to the provision of the recreational club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.

Consultees

DFI Roads were consulted and have advised of no objection in principle with amendments sought to address clarification in terms of bicycle parking and visibility splays for previous approvals within the wider proposal site and Private Streets Determination drawings.

Further Representations

No further objections or information has been received in respect of the proposal itself. A draft Section 76 Agreement was submitted and BCC Legal Services and City and Neighbourhoods have been consulted in respect of the Section 76 Agreement and the enhancement of open space through the developers contribution.

Summary

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The proposal on balance is considered to be acceptable and contributes to the delivery of the Belfast Agenda aims and objectives - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

Recommendation

Approval subject to the signing and delivery of the Section 76 Agreement and conditions.

It is requested that committee delegate authority to the Director of Planning and Building Control to finalise the Section 76 and the wording of conditions. Draft Conditions below:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. The residential development hereby approved shall be allocated for social housing use and shall be managed by a registered Housing Association.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26dB R_{tra} / 31dB R_w must be installed in bedroom and living room windows to the Park Avenue façade of the proposed apartments and to any habitable rooms situated on either side elevation. Alternative means of acoustic ventilation capable of meeting the same sound reduction value of the windows must also be installed in all bedroom and living room windows to the Park Avenue façade and side elevations and be in accordance with building control regulations.

Reason: Protection of Residential Amenity

4. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26 dB R_{tra} / 31 dB R_w must be installed in bedroom and living room windows of the rear façade of the proposed apartments.

Reason: Protection of Residential Amenity

5. All soft landscaping works shall be carried out in accordance with the approved details on drawing no 13C, dated 3rd June 2019. The works shall be carried out prior to the occupation of the first apartment / dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

6. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

7. Prior to any work commencing all protective barriers (fencing) and ground protection measures to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment is removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

8. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing tree hedging.

9. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

DFI Roads conditions to follow.

ANNEX 1

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID: LA04/2019/0081/F	
Proposal: Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Refusal
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary:</p> <p>The proposal is for full planning permission for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.</p> <p>This application is linked to two further applications (LA04/2019/0082/F and LA04/2019/0083/F) both of which are Section 54 applications and seek to remove a planning condition from the original approvals. Condition no.2 of these planning permissions relate to the provision of a recreational social club under planning permissions Z/2010/0434/F and LA04/2015/0075/F.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Provision of private amenity space and Provision of open space; • Parking and access; • Impact on residential amenity of neighbours; • Impact on protected trees; • Other environmental factors. <p>The applicant proposes a building containing 12 apartments on a site which has been secured by planning condition to be used for recreational open space in lieu of the loss of an extensive area of open space, bowling green and a club house / social club.</p> <p>The original approval set aside OS1 of PPS 8 Open space Sport and Recreation and allowed the loss of the space to provide 21 social dwelling units and the construction of a new Recreation</p>	

Social Club. The applicant makes a case that the occupier of the social club, the Maple Leaf Club is no longer in existence. The applicant states that they have sought an alternative occupier, however they have not provided sufficient evidence to demonstrate that a new occupier has been sought and all avenues explored.

The principle of the development therefore, is considered to be unacceptable and would if permitted result in the permanent loss of the open space by failing to provide the social club to the community. Which is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation.

The proposed development fails to meet criterion (c) of policy QD1 of Planning Policy Statement 7 – Quality Residential Environments. In that the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided for the combined development and will therefore also be contrary to Policy OS 2 of PPS8.

Consultees: Environmental Health, Rivers Agency, BCC Tree Officer and NIHE offer no objection to the proposal.

DFI Roads advised the applicant has failed to demonstrate acceptable parking arrangements.

There have been no third party objections received.

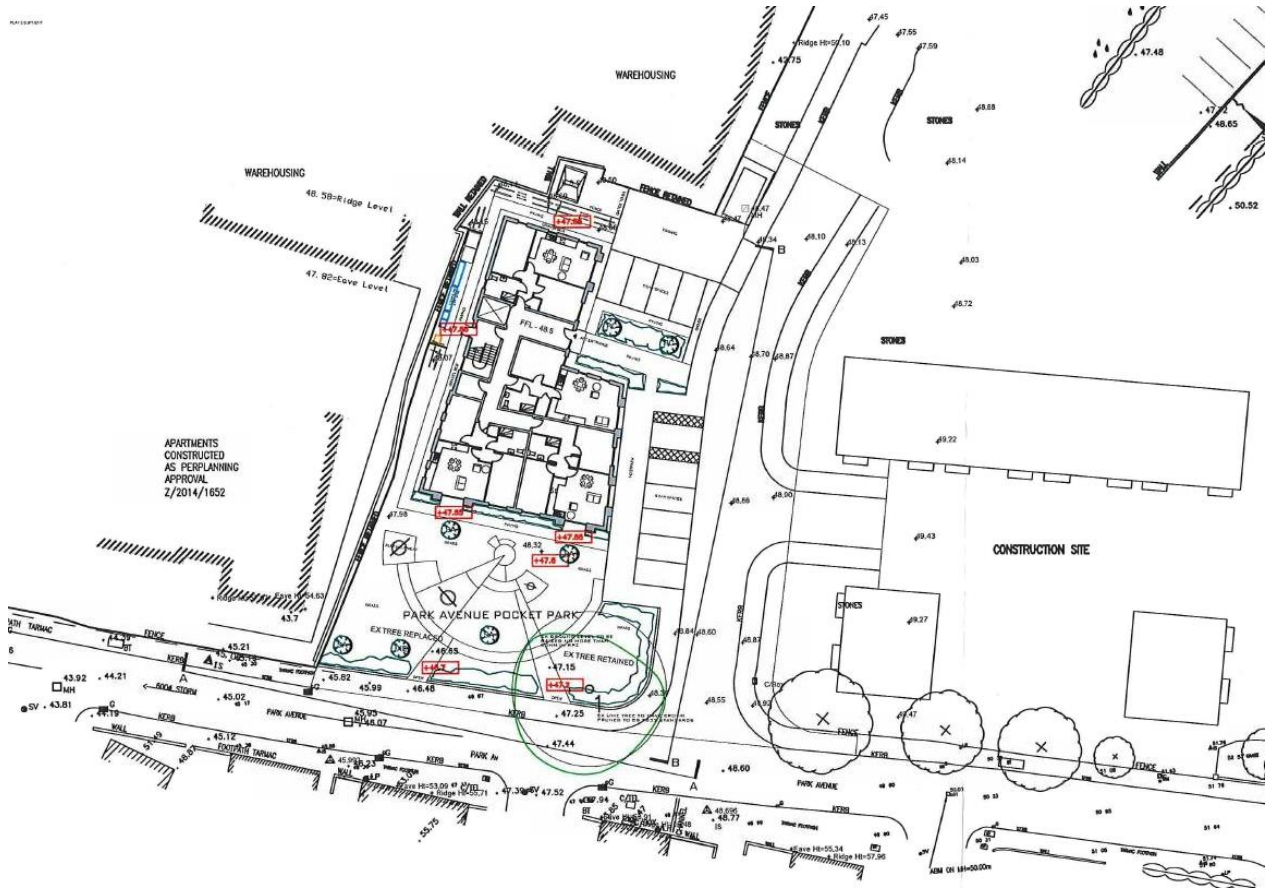
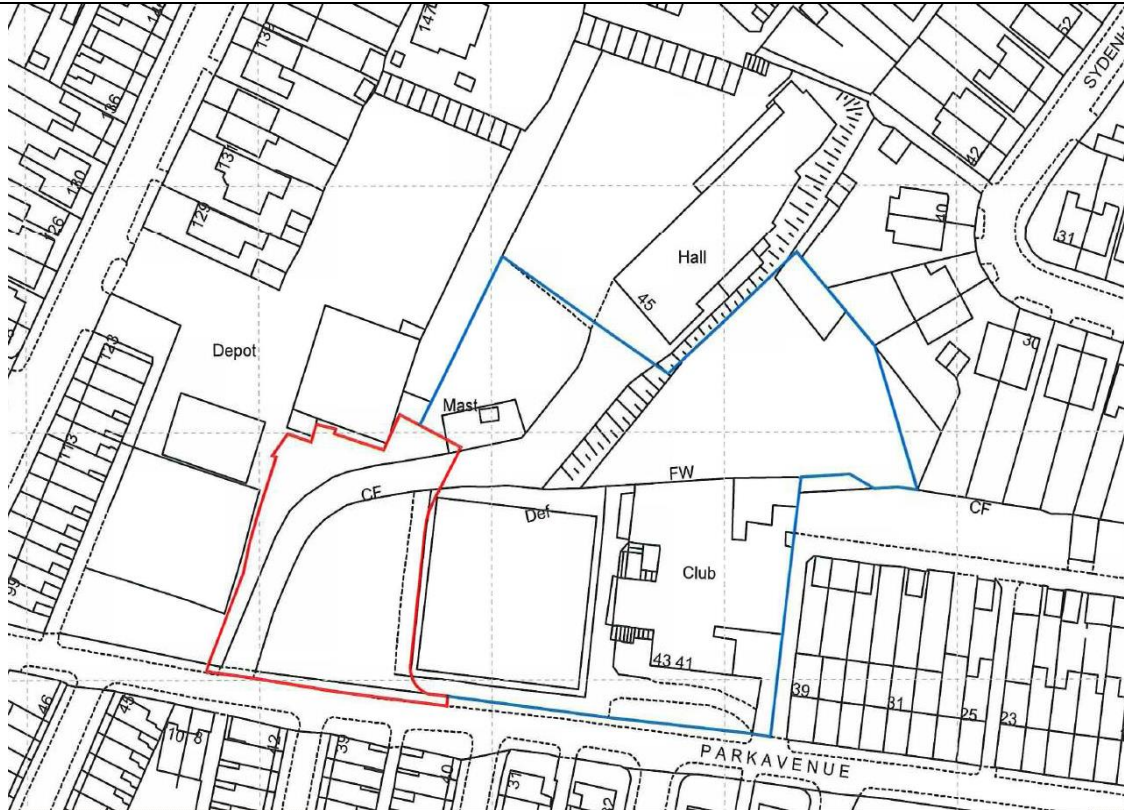
Recommendation:

Refuse

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Environmental Health Belfast City Council	No objection subject to conditions
Statutory	Rivers Agency	No objection
Advice and Guidance	NIHE - Corporate Planning	No objection - support
Statutory	DFI Roads - Hydebank	Unacceptable
Statutory	NI Water - Multi Units East - Planning Consultations	No Response
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	

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for full planning permission for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.2	This application is linked to LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club element of planning permissions Z/2010/0434/F and LA04/2015/0075/F.
2.0	Description of Site
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2019/0083/F - Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing – Pending
3.2	LA04/2019/0082/F - Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing - Pending
3.3	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.4	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.5	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.6	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.7	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	<ul style="list-style-type: none"> 4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 7: Quality Residential Environments 4.4.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.5 Planning Policy Statement 8: Open Space and Recreation 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards
5.0	Statutory Consultees Responses
5.1	Rivers Agency has no objection.
5.2	DFI Roads advised the proposal was unacceptable and failed to demonstrate acceptable parking arrangements.
6.0	Non Statutory Consultees Responses
6.1	Environmental Health has no objection subject to conditions.
6.2	BCC Tree Officer has no objection subject to conditions.
6.3	Northern Ireland Housing Executive – Corporate Planning provided advice and guidance. NIHE advised there is currently unmet social housing need in this part of East Belfast and the site has previously been registered by a housing association for the provision of social housing. NIHE supports the current proposal for the site.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.

8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
8.4	The site is the subject of a Tree Preservation Order – TPO/2006/0081
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Principle of development and use; • Height, scale, massing, layout and design; • Provision of private amenity space; • Provision of open space; • Provision of parking and access; • Impact on residential amenity of neighbours; • Impact on protected trees; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<u>Principle of development</u> In other circumstances the construction of apartments within the development limits within a residential area would be acceptable however, the circumstances and history of this site is such that the principle of the development in this case, on this site, is considered to be unacceptable. This proposal site was granted as a recreational social club under application references Z/2010/0434/F and LA04/2015/0075/F in which the replacement social club was to be provided to off-set the loss of a substantial area of open space, a bowling green and club house / social club. The provision of the recreational social club in combination with the social housing to be provided was the rational for setting aside OS1 of PPS 8 – Open Space, Sport and Recreation.
9.9	The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of

	planning permissions Z/2010/0434/F and LA04/2015/0075/F, which related to the social club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.
9.10	Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F are also under consideration.
9.11	The applicant submitted a supporting statement. Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However, whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.12	The group report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.13	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.14	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.15	Therefore, considering the previous use of the site, the protection afforded under PPS8 and the planning history of the site the principle of the development is unacceptable and would result in the loss of the replacement social club which was to provide the off set for the loss of open space for the whole development. It is considered that the supporting statement from the applicant does not provide a compelling case that would outweigh the loss to the community.
9.16	<u>Height, scale, massing, layout and design</u> The proposed building is to be 'L' shaped and 8.4m in height from finished floor level (FFL), 27.3m long along the western elevation and 18m wide along the southern (Park Road) elevation. In terms of the footprint of the proposed apartments is be approximately 392m ² . This is an increase in the footprint from the previously reduced social club at

	387m ² which was reduced by 49m ² from the original approval. The difference in the increase in the footprint is considered to be marginal. The proposed height of the building is similar to that granted for the social club under LA04/2015/0075/F. The height, scale and massing of the proposed apartments is considered to be acceptable.
9.17	In terms of layout all apartments outlook either on to Park Avenue of the entrance to the whole development. It is considered this outlook on to public realm in acceptable.
9.18	In terms of the proposed design this is not dissimilar from that previously approved for the social club building. The proposed finished of smooth red facing brick and grey mortar, dark grey framed windows, glazed balcony and grey zinc cladding on the roof and pent houses are considered to be acceptable. The architectural approach is modern yet sympathetic to its context. The proposed design and architectural treatment and materials are acceptable.
9.19	Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas applies. The proposed density of the development and pattern of development is considered to be acceptable and not out of keeping with the character of the area. The size of each of the proposed apartments are outlined below;
9.20	Apartment 1 - 2 bed 3 person: 65m ² Apartment 2 - 1 bed 2 person: 57 m ² Apartment 3 - 2 bed 3 person: 70 m ² Apartment 4 - 2 bed 3 person: 65 m ² Apartment 5 - 2 bed 3 person: 65 m ² Apartment 6 - 2 bed 3 person: 68 m ² Apartment 7 - 2 bed 3 person: 70 m ² Apartment 8 - 2 bed 3 person: 65 m ² Apartment 9 - 2 bed 3 person: 65 m ² Apartment 10 - 2 bed 3 person: 63 m ² Apartment 11 - 1 bed 2 person: 50 m ² Apartment 12 - 1 bed 2 person: 50 m ²
9.21	The proposed apartments meet the minimum space standards as set out in Annex A of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.22	Therefore it is considered that the proposal complies with the criterion set out in policy LC 1 of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.23	<u>Provision of private amenity space</u> In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. They do all however share communal bin storage and secure bicycle parking. The following private amenity space provision is as below for 3 apartments on the second floor;
9.24	Apartment 10 - 63.3 m ² Apartment 11 - 22.3 m ² Apartment 12 - 10.98 m ²
9.25	Creating Places recommends a minimum of between 10m ² - 30m ² . Apartments 11 and 12 meet this recommended minimum however apartments 1-10 do not. . Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away

	<p>from the site. Considering this and the recent EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms. Therefore it is considered that insufficient private amenity space has been provided for prospective residents. The site on which the apartments are proposed was to provide the off set for loss of open space through the construction of a social club and was conditioned as so to ensure the community benefit of the existing club would continue to be provided. Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 applications to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F. The provision of open space is discussed below.</p>
9.26	<p><u>Provision of open space</u></p> <p>The proposal includes the provision of a pocket park which will provide 0.045ha of public amenity space. Planning permission Z/2010/0434/F for the residential development and replacement of the social club and LA04/2015/0075/F for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club were both granted on the basis of provision of the social club to offset the loss of open space, in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation. Whilst the social club was to be reduced under planning permission LA04/2015/0075/F it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.</p>
9.27	<p>However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss of all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing of other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.</p>
9.28	<p>This acknowledged the community benefit the club itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.</p>
9.29	<p>It is also noted that the original development comprised of 21 dwelling units. The applicant proposed the construction of an additional 12 apartments. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.</p>
9.30	<p>As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwellings and would be limited in its</p>

	<p>usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Although this application proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. It is considered to be insufficient to warrant the loss of the social facility and the wider community benefit which it would provide.</p>
9.31	<p>On balance with the provision of private amenity for the approved apartments being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.</p>
9.32	<p><u>Provision of parking and access</u> DFI Roads were consulted and responded stating that the applicant had failed to demonstrate acceptable parking arrangements and required a number of issues to be addressed and the submission of Private Streets Determination drawings. This information was not requested as to have done so would have put the applicant to unnecessary expense when Planning Service had fundamental concerns with the proposal and the two (LA04/2019/0082/F and LA04/2019/0083/F) associated Section 54 applications for the removal of conditions.</p>
9.33	<p><u>Impact on residential amenity of neighbours</u> In terms of residential amenity the proposed apartments will be located to the east of the existing apartments on Park Avenue. In terms of overshadowing considering the sun path it is considered that some overshadowing will result to the apartments adjacent to the west in the morning, however this will travel from east to west from midday on it is considered that no unacceptable overshadowing will result to the apartments located to the west of the site. It is also considered that an unacceptable level of overlooking will not result from the proposed apartments to the existing apartments to the west due to sufficient separation distance and existing boundary treatment. To the north of the site is an existing depot and to the east whilst currently no under construction dwelling with extant permission are to be located. However it is considered that sufficient separation distances will ensure no unacceptable overshadowing or overlooking will result to these dwellings form the proposed apartments. This is also considered to be the same for those dwellings located on the opposite of Park Avenue.</p>
9.34	<p><u>Impact on protected trees</u> Belfast City Council's Tree Officer was consulted and following the submission of a tree survey and amended plans the Tree Officer has no objections to the proposal subject to conditions. The proposal includes the retention of an existing protected Lime tree along the Park Avenue boundary, which is to be crown cleaned. Protective root barriers in the form of Geocells has been shown at specific locations to ensure root and soil compaction is avoided during and after construction. The proposal includes the removal of x1 Chestnut tree a protected tree and replacement planting of x8 extra heavy standard Rowan and Ornamental Pear trees to compensate for its loss. A new hawthorn boundary hedge is proposed. The tree officer commented that the proposed tree choice, was considered appropriate in terms of species to complement the proposed pocket park. Tree officer has no objection to the proposal subject to conditions.</p>
9.35	<p><u>Other environmental factors</u> Environmental Health were consulted and considered the Noise Impact Assessment and an updated contaminated land report. Environmental Health has no objection subject to</p>

9.36	<p>conditions. Rivers Agency were consulted with a Drainage Assessment and responded stating that the proposal was acceptable and that the proposal was deemed to provide a robust drainage solution.</p> <p><u>Recommendation</u> The proposal is considerable to be unacceptable and refusal is recommended asset out in paragraph 11 below.</p>
9.37	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
10.0	Summary of Recommendation: Refusal
11.0	<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to OS1 of PPS 8 in that it will result in a loss of open space and the applicant has failed to demonstrate that the redevelopment will bring substantial community benefits that decisively outweigh its permanent loss. 2. The proposal is contrary to OS2 of PPS 8 Open Space Sport and Recreation QD1 of PPS7 Quality Residential Environments in that it fails to provide adequate or quality private amenity space or sufficient communal open space for prospective residents of this development or the overall development.
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>Cllr Newton</p>	

ANNEX	
Date Valid	3rd January 2019
Date First Advertised	25th January 2019
Date Last Advertised	25th January 2019
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU</p> <p>The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX</p> <p>The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 31 Sefton Park, Belfast, BT4 1PN</p> <p>The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT</p> <p>The Owner/Occupier, 32 Sefton Park, Belfast, BT4 1PN</p> <p>The Owner/Occupier, 36 Sefton Drive, Belfast, BT4 1PL</p> <p>The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS</p> <p>The Owner/Occupier, 39 Park Avenue, Belfast, BT4 1PU</p> <p>The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT</p> <p>The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS</p> <p>The Owner/Occupier, 45 Park Avenue, Belfast, BT4 1PU</p> <p>The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU</p> <p>The Owner/Occupier, Apartment 1,47 Park Avenue,BELFAST,BT4 1PU</p>	

The Owner/Occupier,
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

Date of Last Neighbour Notification	12th February 2019 Additional neighbours consulted 24 th May 2019 due to new dwellings now being occupied.
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Date of EIA Determination	N/A
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ES Requested	No
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Drawing Numbers and Title

Drawing No. Type:

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Development Management Report Addendum Report 2	
Application ID: LA04/2019/0082/F	Date of Committee: 15 March 2022
Proposal: Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: Previously considered by the Planning Committee in December 2019	
Recommendation:	Approval with S76 planning agreement
Applicant Name and Address: Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Addendum Report: <u>Background</u> This application, along with associated applications LA04/2019/0081/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following: <ul style="list-style-type: none"> • a developer contribution of £52k for enhancement works at the King George V playing fields • securing the 12 apartments as affordable housing • ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report. <p>Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable.</p>	

The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.

Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F,

LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

Developer Contribution of £52k for off-site Open Space – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

Provision of affordable housing – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

Delivery and ongoing maintenance of the pocket park – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/020/2325/F.

Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

Development Management Report Addendum Report 1	
Application ID: LA04/2019/0082/F	Date of Committee: December 2019
Proposal: Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Addendum Report: This application was previously scheduled for Planning Committee on the 11th June 2019 with a recommendation for refusal (See report at Annex 1), however was not presented as a Section 76 was submitted to mitigate against the proposed loss of open space. The application was withdrawn from committee to enable the consideration and discussion around the proposed Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of 11th June 2019, attached below.</p> <p>The applicant seeks the removal of condition no.2 of planning permission Z/2010/0434/F, which related to 'no part of the residential development hereby permitted, shall be occupied until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented. The applicant seeks to remove it as the Maple Leaf Club has been closed and no replacement occupier found.</p> <p>Members are referred to the addendum report for LA04/2019/0081/F.</p> <p>Following the publication of the first officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable</p>	

apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

Terms of the Section 76 Agreement

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement linked to LA04/2019/0081/F. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

Improve Parkgate site boundary

Remove exiting concrete boundary fencing/walling
 Install new 250 x 125 x 905mm road kerb edge
 New hedge planting along boundary to kerb edge
 Supply & install new vehicular access barrier
 Construct low brick piers with existing concrete crest
 Pedestrian road crossing markings

Trim Trail

New 1.2m wide bitmac path to site boundary
 Form new mounds with excavated material
 Remedial landscape works/seeding

Screen planting

Screen planting to western boundary

Summary

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The removal of condition no.2 of planning permission Z/2010/0434/F, will enable the granting of LA04/2019/0081/F and the developer contribution tied to that application will contribute to the delivery of the Belfast Agenda priorities - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

Recommendation

Approval subject to the completion of the Section 76 Agreement and conditions under planning reference LA04/2019/0081/F.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID: LA04/2019/0082/F	
Proposal: Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	Location: 41-43 Park Avenue, Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Refusal
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary: The proposal is a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F.</p> <p>Condition no.2 is 'No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.'</p> <p>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.'</p> <p>The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.</p> <p>This application is linked to two other current applications:</p> <ul style="list-style-type: none"> • LA04/2019/0081/F for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works. • LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition also relates to the implementation of the social club aspect of the planning permission. 	

The key issues in the assessment of the proposed development include;

- Change in circumstances;
- Open space provision.

Applicant has advised that the occupier of the social club, the Maple Leaf club is no longer an entity. The applicant states they have sought an alternative occupier, however have not provided sufficient evidence that shows a new occupier has been actively sought and that all avenues have been explored.

In terms of the open space, the new social club was considered to provide an off set for the loss of an extensive area of open space and a club house that provided a substantial community benefit in accordance with policy OS 1 of Planning Policy Statement 8: Open space and recreation. This condition was necessary to allow the development of housing to be approved. The removal of condition no.2 of planning permission Z/2010/0434/F would result in the loss of the proposed social club to the wider community benefit and is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation. In addition, the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided and will therefore also be contrary to Policy OS 2 of PPS8.

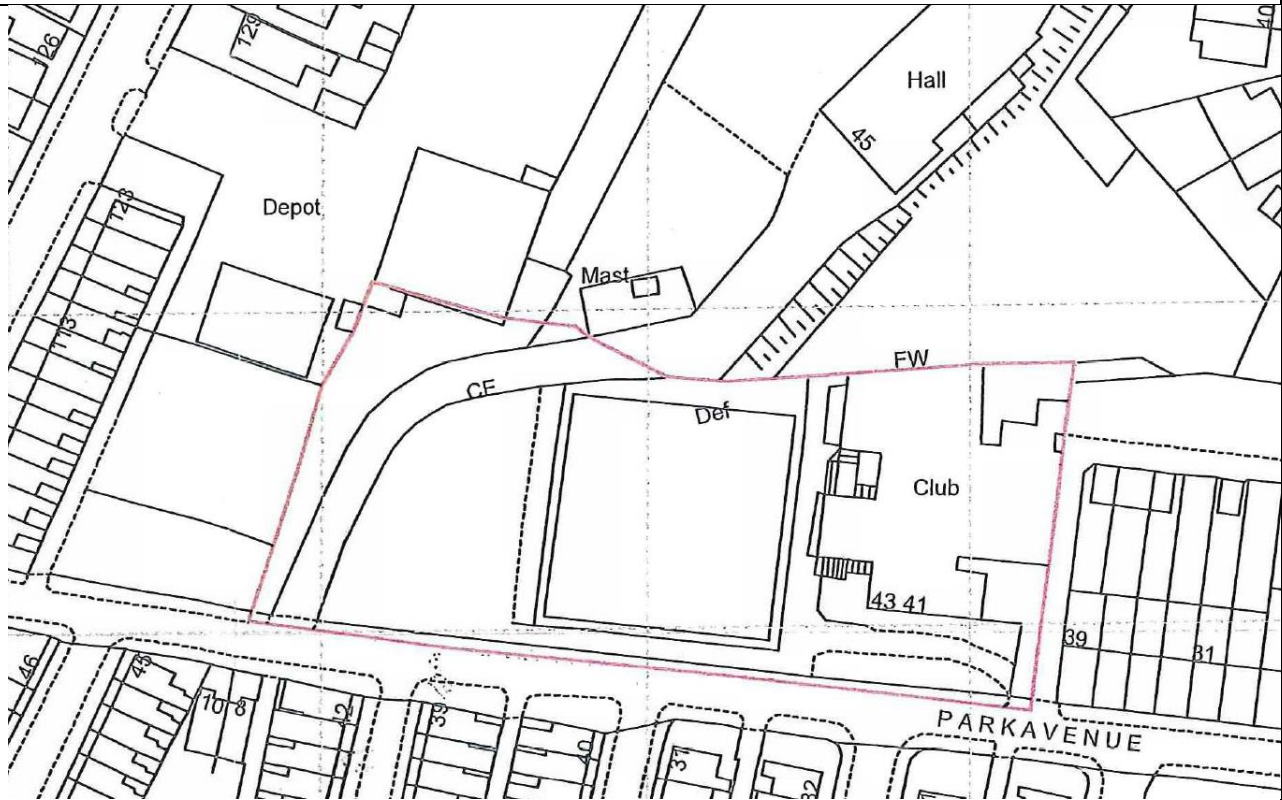
Recommendation:

Refusal

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
N/A	N/A	N/A

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

1.0	Description of Proposal
1.1	The proposal is a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F.
1.2	Condition no.2 is <i>'No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.</i> <i>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.'</i>
1.3	The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing as the original club no longer exists as an entity.
1.4	This application is linked to LA04/2019/0081/F for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.5	Application LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition is as stated above.
2.0	Description of Site
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.2	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.3	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted
3.4	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted

3.5	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 8: Open Space and Recreation
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	None
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Case of need; • Open space provision.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.

9.5	<p>The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could have been through public inquiry. The site was designated as white land.</p>
9.6	<p>Draft BMAP 2004 version also designated the site as white land.</p>
9.7	<p>The adopted Belfast Urban Area Plan 2001 designates the site as white land.</p>
	<p><u>Case of need</u></p>
9.8	<p>The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of planning permission Z/2010/0434/F, which related to 'no part of the residential development hereby permitted shall be commenced until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented.</p>
9.9	<p>Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that a representative from Tennant's assisted the applicant in the search for a new occupier. This representative spoke with the Con Club on Newtownards Road, however members felt Park Avenue was too far away. The applicant was also approached by the Mount Masonic and following discussions withdrew their interest.</p>
9.10	<p>It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no other club is interested in relocating and therefore the removal of the club from the proposal is required. However whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate this. There has been no marketing or tendering for an alternative occupier. Whilst it is stated that options for community benefit were discussed with local elected members no evidence of either sports or local church or worship associations have been approached and therefore, they have failed to demonstrate that all avenues to secure an occupier have been investigated.</p>
9.11	<p>The Officers report on planning permission Z/2010/0434/F stated that '<i>the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area</i>'. The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason '<i>To ensure the orderly development of the site and community benefits of the development are fully implemented</i>'. Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.</p>
9.12	<p><u>Provision of open space</u> Z/2010/0434/F was originally recommended for refusal by the case officer, with one concern in respect of the private amenity provision. The case officer considered that the proposal did not provide sufficient amenity space, failing to meet the requirements as set out in Creating Places for the majority of the proposed dwellings and would be limited in usability. The Group report states that '<i>the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area. The concerns about the scheme are not considered substantial enough to warrant a refusal</i>'. Indicating that the benefits equally from the social housing and the social facility were both crucial in permitting the development as a whole.</p>

9.13	The case officers report also states ' <i>On balance I accept that the existing club facility makes a contribution to the local community and is an important resource to the locality</i> '. Whilst the case officer acknowledged the proximity of similar bowling facilities in close proximity to the application site and that regardless of the physical condition, they accepted there was some gain to the amenity of the area with the redevelopment of the site and the benefits of social housing provision.
9.14	However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.
9.15	This acknowledged the community benefit the club in itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility which would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.
9.16	It is also noted that the original development comprised of 21 dwelling units. The applicant seeks removal of condition no.2 to facilitate the construction of 12 apartments in lieu of the social facility. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold for open space provision of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.
9.17	As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwelling and would be limited in its usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Application LA04/2019/0081/F proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. However this provision is deemed to be insufficient to warrant the removal of condition no.2 of planning permission Z/2010/0434/F.
9.18	On balance with the provision of private amenity for the approved dwellings being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is

9.19	<p>considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.</p> <p><u>Recommendation</u> The proposal is considerable to be unacceptable and refusal is recommended as the applicant has failed to provide evidence demonstrating that an alternative occupier for the social facility have been exhausted.</p>
9.20	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
10.0	Summary of Recommendation: Refusal
11.0	<p>Refusal Reasons</p> <p>The proposal is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation as the removal of the condition will result in the loss of open space and will fail to provide a social recreation facility which will be detrimental to the amenity of the local area for both existing and prospective residents.</p> <p>The proposal is contrary to Policy QD1 of PPS7 Quality Residential Environments and Policy OS 2 of PPS 8 of Planning Policy Statement 8: Open space and recreation in that the removal of the condition will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided.</p>
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>Cllr Newton</p>	

ANNEX	
Date Valid	8th January 2019
Date First Advertised	25th January 2019
Date Last Advertised	25th January 2019
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 10 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 125 Connsbrook Avenue, Belfast, Down, BT4 1JX</p> <p>The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 31 Sefton Park, Belfast, Down, BT4 1PN</p> <p>The Owner/Occupier, 31 Shaw Street, Belfast, Down, BT4 1PT</p> <p>The Owner/Occupier, 32 Sefton Park, Belfast, Down, BT4 1PN</p> <p>The Owner/Occupier, 36 Sefton Drive, Belfast, Down, BT4 1PL</p> <p>The Owner/Occupier, 39 Colvil Street, Belfast, Down, BT4 1PS</p> <p>The Owner/Occupier, 39 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 40 Shaw Street, Belfast, Down, BT4 1PT</p> <p>The Owner/Occupier, 42 Colvil Street, Belfast, Down, BT4 1PS</p> <p>The Owner/Occupier, 45 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 8 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier,</p>	

Apartment 1 47 Park Avenue BELFAST
 The Owner/Occupier,
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 1247 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

Date of Last Neighbour Notification	12th February 2019 Additional Neighbours consulted 24 th May 2019 due to new dwellings now being occupied.
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Date of EIA Determination	N/A
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ES Requested	No
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Drawing Numbers and Title

Drawing No. 01 Type: Site Location Map

Development Management Report Addendum Report	
Application ID: LA04/2019/0083/F	Date of Committee: 15 March 2022
Proposal: Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: Previously considered by the Planning Committee in December 2019	
Recommendation:	Approval subject to S76 planning agreement
	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Addendum Report:	
<u>Background</u>	
<p>This application, along with associated applications LA04/2019/0081/F and LA04/2019/0082/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following:</p>	
<ul style="list-style-type: none"> • a developer contribution of £52k for enhancement works at the King George V playing fields • securing the 12 apartments as affordable housing • ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments 	
<p>The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.</p>	
<p>Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help</p>	

compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.

Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

Developer Contribution of £52k for off-site Open Space – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

Provision of affordable housing – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

Delivery and ongoing maintenance of the pocket park – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

Development Management Report Addendum Report

Application ID: LA04/2019/0083/F	Date of Committee: 10 th December 2019
Proposal: Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	Location: Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Addendum Report: This application was previously scheduled for Planning Committee on the 11th June 2019 with a recommendation for refusal (See report at Annex 1), however was not presented as a Section 76 was submitted to mitigate against the proposed loss of open space. The application was withdrawn from committee to enable the consideration and discussion around the proposed Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of 11th June 2019, attached below.</p> <p>The applicant seeks the removal of condition no.2 of planning permission LA04/2015/0075/F, which related to 'no part of the residential development hereby permitted, shall be occupied until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented. The applicant seeks to remove it as the Maple Leaf Club has been closed and no replacement occupier found.</p> <p>Members are referred to the addendum report for LA04/2019/0081/F.</p> <p>Following the publication of the first officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community</p>	

benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

Terms of the Section 76 Agreement

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement linked to LA04/2019/0081/F. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

Improve Parkgate site boundary

- Remove exiting concrete boundary fencing/walling
- Install new 250 x 125 x 905mm road kerb edge
- New hedge planting along boundary to kerb edge
- Supply & install new vehicular access barrier
- Construct low brick piers with existing concrete crest
- Pedestrian road crossing markings

Trim Trail

- New 1.2m wide bitmac path to site boundary
- Form new mounds with excavated material
- Remedial landscape works/seeding

Screen planting

- Screen planting to western boundary

Summary

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The removal of condition no.2 of planning permission LA04/2015/0075/F, will enable the granting of LA04/2019/0081/F and the developer contribution tied to that application will contribute to the delivery of the Belfast Agenda priorities - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

Recommendation

Approval subject to the completion of the Section 76 Agreement and conditions under planning reference LA04/2019/0081/F.

ANNEX 1

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID: LA04/2019/0083/F	
Proposal: Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	Location: 41-43 Park Avenue Belfast.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Refusal
Applicant Name and Address: Dixon Contractors 89 Broughshane Street Ballymena	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary:</p> <p>The proposal is a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F.</p> <p>Condition no.2 is No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20 August 2015, drawing 07B date stamped 03 February 2016 and drawing 08 date stamped 01 April 2015.</p> <p>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.</p> <p>The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.</p> <p>The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.</p>	

This application is linked to two other current applications:

- LA04/2019/0081/F for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
- LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition also relates to the implementation of the social club aspect of the planning permission.

The key issues in the assessment of the proposed development include;

- Case of need;
- Open space provision.

Applicant has advised that the occupier of the social club, the Maple Leaf club is no longer an entity. The applicant states they have sought an alternative occupier, however have not provided sufficient evidence that shows a new occupier has been actively sought and that all avenues have been explored.

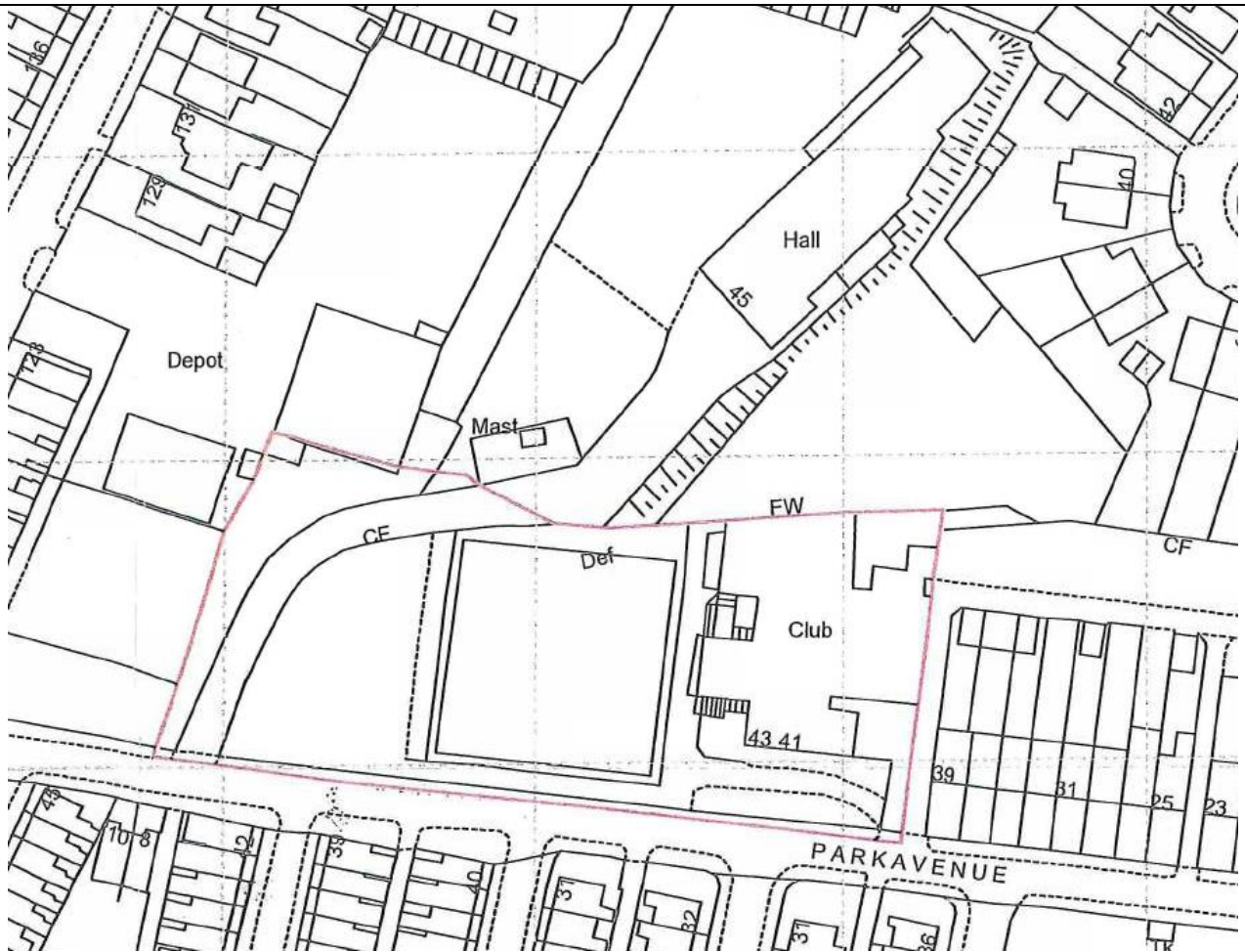
In terms of the open space, the new social club was considered to provide an off set for the loss of an extensive area of open space and a club house that provided a substantial community benefit in accordance with policy OS 1 of Planning Policy Statement 8: Open space and recreation. This condition was necessary to allow the development of housing to be approved. The removal of condition no.2 of planning permission LA04/2015/0075/F would result in the loss of the proposed social club to the wider community benefit and is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation. In addition, the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided and will therefore also be contrary to Policy OS 2 of PPS8.

Recommendation:

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
N/A	N/A	N/A

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

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F.
1.2	<p>Condition no.2 is <i>No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20 August 2015, drawing 07B date stamped 03 February 2016 and drawing 08 date stamped 01 April 2015.</i></p> <p><i>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.</i></p>
1.3	The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.
1.4	This application is linked to LA04/2019/0081/F for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.5	Application LA04/2019/0082/F is also a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F. The condition also relates to the implementation of the social club aspect of the planning permission.
2.0	Description of Site
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.2	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.3	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.4	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.5	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 8: Open Space and Recreation
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	None
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Case of need; • Open space provision.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<p><u>Case of need</u></p> <p>The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of planning permission LA04/2015/0075/F, which related to no part of the residential development hereby permitted shall be occupied until the social club was constructed and in operation. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented.</p>
9.9	Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that a representative from Tennant's assisted the applicant in the search for a new occupier. This representative spoke with the Con Club on Newtownards Road, however members felt Park Avenue was too far away. The applicant was also approached by the Mount Masonic and following discussions withdrew their interest.
9.10	It is stated that the applicant has no viable option for delivering the club building and the social housing due to the winding up of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.11	The Officers report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.12	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.13	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission

	Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.14	<p><u>Provision of open space</u></p> <p>Z/2010/0434/F was originally recommended for refusal by the case officer, with one concern in regards to the private amenity provision. The case officer considered that the proposal did not provide sufficient amenity space, failing to meet the requirements as set out in Creating Places for the majority of the proposed dwellings and would be limited in usability. The Group report states that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area. The concerns about the scheme are not considered substantial enough to warrant a refusal'</i>. Indicating that the benefits from the social housing and the social facility the proposal where both crucial in the permitting of the overall development as a whole.</p>
9.15	<p>The case officers report also states <i>'On balance I accept that the existing club facility makes a contribution to the local community and is an importance resource to the locality'</i>. Whilst the case officer acknowledged the proximity of similar bowling facilities in close proximity to the application site and that regardless of the physical condition, they accepted there was some gain to the amenity of the area with the redevelopment of the site and the benefits of social housing provision.</p>
9.16	<p>Planning permission LA04/2015/0075/F was for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club. Whilst the social club was to be reduced it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.</p>
9.17	<p>However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that the in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.</p>
9.18	<p>This acknowledged the community benefit the club it's self-provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.</p>
9.19	<p>It is also noted that the original development comprised of 21 dwelling units. The applicant seeks removal of condition no.2 to facilitate the construction of 12 apartments in lieu of the social facility. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.</p>

9.20	As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwelling and would be limited in its usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Application LA04/2019/0081/F proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. However this provision is deemed to be insufficient to warrant the removal of condition no.2 of planning permission Z/2010/0434/F.
9.21	On balance with the provision of private amenity for the approved dwellings being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.
9.22	<p><u>Recommendation</u></p> <p>The proposal is considerable to be unacceptable and refusal is recommended as the applicant has failed to provide evidence demonstrating that an alternative occupier for the social facility have been exhausted.</p>
9.23	Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.
10.0	Summary of Recommendation: Refusal
11.0	<p>Refusal Reasons</p> <p>The proposal is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation as the removal of the condition will result in the loss of open space and will fail to provide a social recreation facility which will be detrimental to the amenity of the local area for both existing and prospective residents.</p> <p>The proposal is contrary to Policy QD1 of PPS7 Quality Residential Environments and Policy OS 2 of PPS 8 of Planning Policy Statement 8: Open space and recreation in that the removal of the condition will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided.</p>
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
Cllr Newton	

ANNEX	
Date Valid	8th January 2019
Date First Advertised	25th January 2019
Date Last Advertised	25th January 2019
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 10 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 125 Connsbrook Avenue, Belfast, Down, BT4 1JX</p> <p>The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4</p> <p>The Owner/Occupier, 31 Sefton Park, Belfast, Down, BT4 1PN</p> <p>The Owner/Occupier, 31 Shaw Street, Belfast, Down, BT4 1PT</p> <p>The Owner/Occupier, 32 Sefton Park, Belfast, Down, BT4 1PN</p> <p>The Owner/Occupier, 36 Sefton Drive, Belfast, Down, BT4 1PL</p> <p>The Owner/Occupier, 39 Colvil Street, Belfast, Down, BT4 1PS</p> <p>The Owner/Occupier, 39 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 40 Shaw Street, Belfast, Down, BT4 1PT</p> <p>The Owner/Occupier, 42 Colvil Street, Belfast, Down, BT4 1PS</p> <p>The Owner/Occupier, 45 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier, 8 Park Avenue, Belfast, Down, BT4 1PU</p> <p>The Owner/Occupier,</p>	

Apartment 1 47 Park Avenue BELFAST
 The Owner/Occupier,
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU
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 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU
 The Owner/Occupier,
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

Date of Last Neighbour Notification

12th February 2019
 Additional neighbours notified 24th May 2019 due
 dwellings now being occupied.

Date of EIA Determination

N/A

ES Requested

No

Drawing Numbers and Title

Drawing No. 01
 Type: Site Location Map

Committee Application

Development Management Report	
Application ID: LA04/2020/2325/F	Date of Committee: 15 March 2022
Proposal: Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	Location: Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
Referral Route: Proposal would secure a Financial Developer Contribution exceeding £30,000. Application also in association with applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F, previously considered by the Planning Committee and on the same agenda.	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	Agent Name and Address: TSA Planning, 20 May Street, Belfast, BT1 4NL
Executive Summary: The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works. The key issues to consider are: <ul style="list-style-type: none"> • Principle of development • Loss of open space • Provision of public and private amenity space • Impact on the character and appearance of the area • Impact on residential amenity • Impact on existing trees / proposed landscaping • Access and parking • Drainage and flood risk • Waste-water infrastructure The site is un-zoned 'whiteland' within the BUAP 2001 and draft BMAP 2015. The proposed development would result in the loss of open space (including the bowling green previously located on the site) protected by Policy OS1 of PPS 8. By way of background, planning application Z/2010/0434/F was granted planning permission in June 2011 on essentially the same site, but also including land to the west, for a mixed use development including replacement of the original Maple Leaf club and 21 dwellings. That planning permission included conditions requiring the provision of social housing and build out of the replacement social	

club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

The current application for 21 dwellings (social / affordable) is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved.

The Planning Committee has previously resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the replacement social club. It also approved associated applications LA04/2019/0082/F and LA04/2019/0083/F to vary the previous permissions for 21 dwellings and replacement Maple Leaf Club in order to relax the requirement to construct and operate the new social club.

Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8.

Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.

In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club to replace the Maple Leaf Club and off-set the loss of open space from the site would be justified provided that 1) the 12 apartments were delivered as affordable housing; 2) a Financial Developer Contribution of £52k is paid to improve off-site open space facilities, and 3) that the proposed pocket park in front of the apartments is delivered to provide valuable open space to serve not only the proposed 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.

Therefore, consistent with the Committee's previous decisions in December 2019 in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient open space and there would be insufficient off-set for the loss of the original open space on the site. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings. This amount was agreed by the Planning Committee in December 2019 but should be increased to allow for inflation. An obligation should also secure temporary treatment of the site if the construction of the 12 apartments are delayed or not built. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.

On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas. Furthermore, whilst there are concerns regarding the design of the proposed development, given the extant approval on the site and the similar design, it is considered acceptable.

Minor concerns regarding overlooking between Blocks C and D have been raised, however, given the extant approval on the site and the similar layout, it is considered acceptable. There are no concerns regarding natural light, outlook or shadow.

BCC Environmental Health Service has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. However, they conclude that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Consequently, they have not offered any objections to the proposal.

Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of some proposed dwellings. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.

The proposed development is accessed via Park Avenue. No in-curtilage parking is proposed, however, communal car parking space are proposed within the development. DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.

The proposal involves the removal of trees along the Park Avenue boundary, however, a tree survey has been submitted and the Council's Tree Officer has no objection. Furthermore, additional compensatory planting has been proposed which helps to soften the proposal and assist its integration.

Recommendation

Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:

- provision of the 21 units as affordable housing (social / intermediate housing)
- delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings
- temporary treatment of the site for 12 apartments if these are delayed or not built out
- securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.

Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.

1.2 It follows previous planning permissions being granted on the site and adjacent land for 21 dwellings including the erection of a new club to replace the original Maple Leaf Club, which has since been demolished.



2.0	Description of Site
2.1	The application site is located to the north side of Park Avenue on lands at the former Maple Leaf social club. The site has been cleared and is currently secured from public access. Previously, the Maple Leaf social club, a bowling green and a car park were located on the site, however, the bowling green appears to have been removed circa 2015/16 and the Maple Leaf club demolished circa 2018/19.
2.2	The site is accessed from Park Avenue which slopes steeply in a westerly direction from Hollywood Road towards Connsbrook Avenue. There is an existing access road through the site, which currently serves 13 residential units and a Masonic Hall to the north. The same access is proposed to serve the development.
2.3	The surrounding area is characterised primarily by residential development, however, there is a Masonic Hall in close proximity and a commercial vehicle sales yard to the west (accessed off Connsbrook Avenue). The surrounding residential development is relatively high density, in the form of terraced housing and apartments.

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History</p> <p><i>Application site</i></p> <p>Z/2010/0434/F – Mixed use development to include the relocation and replacement of the Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works – Granted 9/6/11</p> <p>Z/2011/0827/F – Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club – Granted 30/3/12</p> <p>Z/2011/0829/F – Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted 30/3/12</p> <p>LA04/2015/0075/F – Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 – Granted 25/2/16</p> <p>Z/2002/2542/A41 – Conversion of existing offices to bowling viewing lounge – Permitted Development</p> <p>Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements – Granted 10/4/01</p> <p><i>Land to West (Currently under consideration)</i></p> <p>LA04/2019/0081/F – Erection of 12 apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p>
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	<p>LA04/2019/0082/F – Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, ‘No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.’ The removal of the condition is necessary to allow the construction of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>LA04/2019/0083/F – Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows ‘No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015’. The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>Wider lands</p> <p>LA04/2015/0052/F - Lands to the north of 41-43 Park Avenue , Belfast, and to the south of 45 Park Avenue, Belfast - Erection of 13 No. social/affordable housing units (7No. 2 bed townhouses & 6No. 2 bed apartments) with associated parking, landscaping and road works, with access from Park Avenue via adjacent approval Z/2010/1434/F including provision for revised access/parking to masonic hall – Granted 22/9/16.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (v2004) (dBMAP 2015 v2004)
4.3	Draft Belfast Metropolitan Plan 2015 (v2014) (dBMAP 2015 v2014)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 2 Natural Heritage</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 8 Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p> <p>Creating Places</p> <p>Developer Contribution Framework (adopted 2020)</p>
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions
5.2	NIEA – No objection, subject to conditions
5.3	NI Water – No objection

5.4	DFI Rivers – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	BCC Tree and Landscaping officer – No objection, subject to conditions
7.0	Representations
7.1	37 neighbours have been notified of the proposed development. No representations were received.
8.0	Assessment
8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP 2015 remaining a material consideration. Given the advanced stage at which dBMAP 2015 (v2014) pre-adoption including modification following the Planning Appeals Commission’s report on the Examination in Public, it is considered that it holds significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.</p>
8.2	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council’s Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council’s Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p>The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also seeks to protect Open Space.</p>

	<p><u>Principle of development including loss of Open Space</u></p>
8.5	<p>The site is un-zoned 'whiteland' within the BUAP and draft BMAP.</p>
8.6	<p>The proposed development would result in the loss of open space including the bowling green previously located on the site, protected by Policy OS1 of PPS 8.</p>
8.7	<p>Planning application Z/2010/0434/F was granted planning permission in June 2011 for a mixed use development of the site and adjacent land to include the relocation and replacement of the Maple Leaf club premises and 21 dwellings, landscaping and associated site works. This planning permission included conditions requiring the provision of social housing and a new social club. Condition 2 prevents commencement of the construction of the houses until the replacement Maple Leaf Club has been erected in accordance with the approved plans and is operational. Condition 3 requires the development to be delivered as social housing. These conditions were imposed to offset the loss of open space.</p>
8.8	<p>Planning application Z/2011/0829/F was granted in March 2012 to vary condition 2 to allow simultaneous construction of the Maple Leaf Club and 21 dwellings approved under application Z/2010/0434/F. The condition was varied to prevent <u>occupation</u> of the residential units until the replacement Maple leaf Club had been erected in accordance with the approved plans and is operational.</p>
8.9	<p>Planning application Z/2011/0827/F was granted in March 2012 to vary condition 3 to include the term affordable in addition to social housing, in order to be less restrictive for the applicant as it would allow the sale of dwellings in the future under the 'right to buy' scheme.</p>
8.10	<p>Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple leaf Club has been erected in accordance with the new approved plans and is operational. Condition 3 requires the development to be delivered as social / affordable housing. Conditions 2 and 3 of this approval replicate the previous variation of condition approvals under Z/2011/0827/F and Z/2011/0829/F.</p>
8.11	<p>It appears that the main site access and part of the access road between Blocks A and C have been constructed. Google Earth images appear to show this in place in June 2016. The only pre-commencement condition of LA04/2015/0075/F relates to the provision of the site access onto Park Avenue. As this access appears to have been constructed within 5 years of the date of the permission, it is considered that this development has likely commenced and this represents a fall back.</p>
8.12	<p>The current application for 21 dwellings is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved. In December 2019, the Planning Committee resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the social club. In addition, it resolved to approve applications LA04/2019/0082/F and LA04/2019/0083/F to remove the conditions requiring construction and operation of the social club from the previous 2010 and 2015 approvals.</p>
8.13	

8.14	<p>As previously noted, the principle of development on the current application site was considered acceptable as the original proposal included both the provision of affordable housing and a replacement social club. The current proposal includes the provision of social / affordable housing, however, the social club has now been removed entirely from the proposal. Since the provision of a replacement social club was to form part of the original off-set for the loss of Open Space, this now needs to be reconsidered.</p>
8.15	<p>Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.</p>
8.16	<p>In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club on the site to replace the Maple Leaf Club and loss of Open Space from the site would be justified provided that the 12 apartments were delivered as affordable housing, that a Financial Developer Contribution of £52k be paid to improve off-site Open Space facilities, and that the proposed pocket park in front of the apartments is delivered to provide value Open Space to serve not only the 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.</p>
8.17	<p>Therefore, consistent with the Committee's previous decisions in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient Open Space and there would be insufficient off-set for the loss of the original Open Space on the site. It is conceivable that only the pocket park element of the adjacent scheme for 12 apartments comes forward and in these circumstances there should be an additional obligation requiring temporary treatment of the location of the 12 apartments. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings (although it would not need to be paid twice – it should be secured from whichever of the two permissions comes forward first). This amount was agreed by the Committee in December 2019 but should be increased to allow for inflation. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.</p> <p><u>Impact on the character and appearance of the area</u></p> <p><i>Layout</i></p> <p>The proposal includes 17 terraced dwellings and 4 semi detached dwellings. Block C is a pair of semi-detached dwellings located directly facing the site access. Block A includes 8 terraced dwellings located perpendicular to the existing access road. The terraced dwellings are 3 storey (10.1 m to ridge), with a heavier roof at the rear giving the appearance of 2 storeys. The proposal includes an internal access road between Blocks A and C in an easterly direction. To the south of the access road and to the north of the existing Park Avenue is Block D, another pair of semi detached dwellings. Block D includes one 2 storey dwelling and one 3 storey dwelling. At the end of the access road and arranged perpendicular to Park Avenue is Block E, a row of 9 terraced dwellings with a similar 3 storey / 2 storey design to Block C. The proposed dwellings are orientated gable ended towards Park Avenue,</p>

8.18	<p>similar to the residential developments directly opposite the site. No in curtilage parking is provided, which is generally characteristic of the surrounding area.</p> <p><i>Materials</i></p>
8.19	<p>The proposed materials include a mix of red brick and smooth render external walls, grey concrete roof tiles, grey uPVC windows, timber hardwood doors and black uPVC rainwater goods. The proposed materials are considered in keeping with the site and surrounding area and are acceptable.</p>
8.20	<p>There are concerns regarding the form of the proposed dwellings, e.g. Block D is a pair of semi detached dwellings, one two storey and one three storey in height. However, given the extant approval on the site which included an almost identical arrangement, it is considered acceptable in this case.</p> <p><i>Residential density</i></p>
8.21	<p>The proposed residential density equates to approximately 42 dwellings per hectare. Densities within the immediate surrounding areas range from approximately 40 dwellings per Ha (Phase 1 and development along Park Avenue) up to 120 dwellings per Ha (terraced dwellings along Colvil Street, Shaw Street, Sefton Park etc). It is considered the proposed density is in keeping with the area.</p>
8.22	<p>On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas, having regard to the previous permission which was for a similar layout and design.</p>
8.23	<p><u>Residential amenity</u> It is not considered that the proposed development will create conflict with adjacent land uses.</p>
8.24	<p>As already noted, Blocks C and D are two pairs of semi-detached dwellings arranged back to back within the proposed development. The separation distance between the two blocks is approximately 17 metres, which is below the guidelines as detailed in Creating Places. However, given the extant approval on the site which included a similar arrangement, it is considered acceptable in this case. There are no other concerns regarding overlooking, natural light, shadow or outlook.</p>
8.25	<p>The application site is located close to the busy Park Avenue road and will therefore potentially be impacted by noise. A Noise Impact Assessment (NIA) was submitted in support of the proposal. BCC Environmental Health (EHO) has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. The British Standard guidance advises that <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL_{Aeq,16hr}.'</i> The standard continues... <i>'these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.'</i></p>
8.25	<p>Consequently, EHO have advised that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Furthermore, EHO also acknowledge the previous approval</p>

8.26	<p>granted for a similar layout on the site. In conclusion, Environmental Health Has requested conditions in the event that planning permission is granted.</p>
8.27	<p>An updated Generic Quantitative Risk Assessment (GQRA) and further clarifications document were submitted in support of the proposal in relation to contaminated land. Following review of this information, EHO advise they have no objection, subject to conditions.</p>
8.28	<p><u>Space standards</u> The proposed development includes a mix of 5 person 3 bedroom dwellings and 3 person 2 bedroom dwellings. The 5P3B dwellings measure approximately 103-104 sq metres and the 3P2B dwellings measure approximately 80 sq metres. Consequently, the proposed dwellings comply with the space standards, as per Policy LC1 of PPS 7 Addendum.</p>
8.29	<p><u>Amenity space</u> Creating Places (CP) states that ‘a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater’. CP also states that a private amenity area of less than around 40 sqm would generally be unacceptable. Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of a number of proposed dwellings, e.g. House No’s 6, 7 and 8 have relatively small rear gardens measuring approx. 33 sqm. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.</p>
8.30	<p>As previously noted, Policy OS2 of PPS 8 is relevant to the proposed development. Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8. This was also true of the extant schemes, however, these were to provide a replacement social club to provide off-set. Linking the proposed development to provision of the pocket park (as proposed under ref. LA04/2019/0081/F) on land directly adjacent to the site would help offset the reduced provision of public open space within the site.</p>
8.31	<p><u>Access and Parking</u> The proposed development is accessed via Park Avenue. As noted previously, no in-curtilage parking is proposed, however 28 communal car parking spaces are proposed within the development (1.33 spaces per dwelling). It is noted that one additional space is now proposed on the western portion of the site, however the proposal has been amended to remove the social club and apartments are now proposed on this part of the site (ref. LA04/2019/0081/F). DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.</p>
	<p>The proposed development incorporates an acceptable movement pattern that supports walking and cycling and offers convenient access to public transport, along Hollywood Road and Connsbrook Avenue. The proposal incorporates traffic calming</p>

8.32	measures and assists in meeting the needs of people whose mobility is impaired (level access, tactile paving, accessible parking bays etc.).
8.33	The proposed development is not large enough for provision of local neighbourhood facilities, however, local amenities are located in close proximity on Connsbrook Avenue, Holywood Road and Belmont Road.
8.34	<p><u>Trees and Landscaping</u></p> <p>Trees along the front boundary of the site were originally proposed for retention but are now proposed for removal. The tree survey that has assessed 9 trees in total, two of which are outside the redline boundary of the application site. Out of the 7 remaining trees, 4 were found to be in poor condition, 3 of which are recommended for felling. The other 3 trees were found to be in fair condition but that 2 of these (No's 5 and 6) have evidence of root disturbance, most likely from demolition works to remove old structures. Updated arborist details have been provided in regard to tree no. 4. The report states that the current situation adjacent to the tree and construction measures is likely to result in the future stress and strain of the tree. Given the location of the tree adjacent to the public footpath, the Council's Tree Officer advises that the most appropriate long-term approach would be to remove and replace the tree with a suitable species.</p>
8.35	<p>Compensatory planting is proposed for the loss of the trees along the front boundary. These will be 16 x extra heavy standard size at the time of planting. The proposed planting has been revised to include a mix of species, including birch, sweetgum, cherry, rowan and apple. The Tree Officer is content with the proposed landscaping and the long term management plan relating to same. Consequently, it is considered that the proposed landscaping helps to soften the visual impact of the development and assists in integration with the surrounding area.</p>
8.35	<p><u>Drainage and Flood Risk</u></p> <p>A Drainage assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. DFI Rivers accepts the logic of the DA and have no reason to disagree with the conclusions. Furthermore, a copy of the Schedule 6 consent to discharge has been submitted. Consequently, DFI Rivers has no objection to the proposal.</p>
8.36	<p><u>Waste water infrastructure</u></p> <p>NI Water (NIW) has confirmed that there is available capacity at the receiving waste water treatment works and offers no objection to the proposal.</p>
8.36	<p><u>Other issues</u></p> <p>There are no concerns regarding impact on features of archaeological or built heritage. Furthermore, the proposal is designed to deter crime and promote personal safety, meeting Secure By Design standards.</p>
9.0	<p>Summary of Recommendation: Approve subject to conditions and S76</p>
9.1	<p>Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:</p> <ul style="list-style-type: none"> • provision of the 21 units as affordable housing (social / intermediate)

<p>9.2</p>	<ul style="list-style-type: none"> • delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings • temporary treatment of the site for 12 apartments if delayed or not built out • securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice). <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.</p>
<p>10.0</p>	<p>Draft Conditions</p> <p>10.1 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>10.2 The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022, prior to the occupation of any other works or other development hereby permitted.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>10.3 The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>10.4 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.201001-C100 Rev.B bearing the Department for Infrastructure Determination date stamp 3rd March 2022.</p> <p>10.5 REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>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.</p> <p>REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p> <p>10.6 Notwithstanding the provisions of the Planning (General Permitted 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.</p>

	<p>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.</p>
10.7	<p>Notwithstanding the provisions of the Planning (General Permitted 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.</p>
10.8	<p>REASON: To prevent damage to or obstruction of services within the service strip.</p> <p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022 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.</p>
10.9	<p>REASON: To ensure adequate provision has been made for parking within the site.</p> <p>The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p>
10.10	<p>REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.</p> <p>No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the Andrew Boe BS5837 Tree Survey and Arb Impact Assessment Report, dated the 20 January 2021 and approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site.</p>
10.11	<p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.12	<p>All soft landscaping works shall be carried out in accordance with the approved details on approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a</p>

	<p>period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.13	<p>Once completed, all soft landscaping shall be maintained in accordance with the B. Moore ‘Landscape Management Plan’ titled ‘Proposed Housing at Park Avenue Belfast’, uploaded to the planning portal on 20th December 2021.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.14	<p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.</p> <p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p>
10.15	<p>The Proposed drainage Strategy, as set out in section 5.0 of <i>Drainage Assessment</i>, produced by Civil Design Services (Doc Ref: 201001/DA/10-20LJW), dated October 2020 and uploaded to the Planning Portal on 16th November 2020, shall be implemented in full.</p> <p>Reason: To protect the water environment.</p>
10.16	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. 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.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.17	<p>After completing the remediation works under Condition 16; and prior to occupation of the development, a verification report shall be submitted to and approved in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>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.</p>

10.18	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141) and as updated in the PM Ltd 'Contamination Assessment Clarifications' letter dated 11th February 2021, referenced PM20-1141_Let1 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <p>a. the final site layout is as per the proposed development plan within Appendix I of the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141);</p> <p>b. Soils of private garden areas as shown in Figure A of the PM Ltd 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1, drawing titled: 'Updated areas of gardens requiring remediation', have been encapsulated with a 1m depth capping layer comprising 300mm of granular material, overlain by 700mm of demonstrably clean subsoils and topsoil. Any imported and /or site won material for this cover system must be demonstrably fit for end use (residential with home-grown produce);</p> <p>c. Soils of landscaped areas as shown in Figure A of the PM Ltd: 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1 drawing titled: 'Updated areas of gardens/landscaping requiring remediation' have been encapsulated with a physical capping layer comprising a minimum of 500mm of gravel and subsoil / topsoil demonstrably fit for the end use (Residential with homegrown produce);</p> <p>d. Any imported soils for use on site in all other remaining private gardens and/or landscaped areas is demonstrably fit for the end (Residential with homegrown produce);</p> <p>e. The Verification Report must include the necessary appropriate documentary evidence as outlined in section 6.3 'Validation' in the October 2020 PM Ltd Report referenced PM20-1141.</p> <p>Reason for condition: Protection of human health.</p>
10.19	<p>Prior to installation within the hereby permitted development, the final window schedule confirming the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of Blocks C and D and to the first two houses of Block E shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in line with recommendations of the FR Mark & associates Noise Impact Assessment dated February 2021, planning referenced LA04/2020/2325/F. The windows shall not be installed unless in accordance with the approved details.</p>

10.20	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to installation, details of the specification of alternative mechanical means of ventilation proposed to be installed within Blocks C and D and the first two houses of Block E shall be submitted to and approved in writing by the Council. The specification for the alternative means of ventilation shall be in line with the recommendations as per table 2 pages 13 and 14 of the FR Mark & associates NIA dated February 2021, planning referenced: LA04/2020/2325/F. The details shall demonstrate that the specification selected for the alternative means of ventilation will not compromise the recommended internal noise levels specified for habitable rooms outlined in British Standard BS8233:2014. Blocks C and D and the first two houses of Block E shall not be occupied unless the approved details have been installed and shall be permanently retained as such.</p>
10.21	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements</p>
10.22	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, the applicant shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation, a copy of which shall be submitted to the Council in writing.</p>
10.23	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, a boundary wall to a minimum height of 2m and at least 2225mm thick shall be constructed to the rear boundary of Block E and a 1m high wall at the boundary of blocks C and D along Park Avenue as shown on approved Drawing No. 03A uploaded to the planning portal on 11th May 2021.</p>
10.24	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extensions or enlargements, buildings, walls, gate pillars, fences or other structures shall be constructed without the grant of a separate planning permission from the Council.</p> <p>Reason: Construction of further extensions or buildings requires detailed consideration to safeguard the amenities of the surrounding area.</p>

Notification to Department (if relevant)

Not applicable.

Representations from Elected members:

None

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
10 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
12 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
125 Connsbrook Avenue,Belfast,Down,BT4 1JX
The Owner/Occupier,
14 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
16 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
18 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
31 Sefton Park,Belfast,Down,BT4 1PN
The Owner/Occupier,
31 Shaw Street,Belfast,Down,BT4 1PT
The Owner/Occupier,
32 Sefton Park,Belfast,Down,BT4 1PN
The Owner/Occupier,
36 Sefton Drive,Belfast,Down,BT4 1PL
The Owner/Occupier,
39 Colvil Street,Belfast,Down,BT4 1PS
The Owner/Occupier,
39 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
40 Shaw Street,Belfast,Down,BT4 1PT
The Owner/Occupier,
42 Colvil Street,Belfast,Down,BT4 1PS
The Owner/Occupier,
6 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
8 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 1,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 1,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 10,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 11,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 12,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 13,47 Park Avenue,Belfast,Down,BT4 1PU

The Owner/Occupier,
Apartment 14,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 15,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 2,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 2,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 3,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 3,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 4,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 4,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 5,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 5,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 6,4 Park Avenue Heights,Belfast,Down,BT4 1SH
The Owner/Occupier,
Apartment 6,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 7,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 8,47 Park Avenue,Belfast,Down,BT4 1PU
The Owner/Occupier,
Apartment 9,47 Park Avenue,Belfast,Down,BT4 1PU

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