

Development Management Report Addendum Report

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 The application was withdrawn from committee to enable the consideration of the proposed terms of the Section 76 Agreement.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>	

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.

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 existing 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} / 31dBR_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 dBR_{tra} / 31 dBR_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.

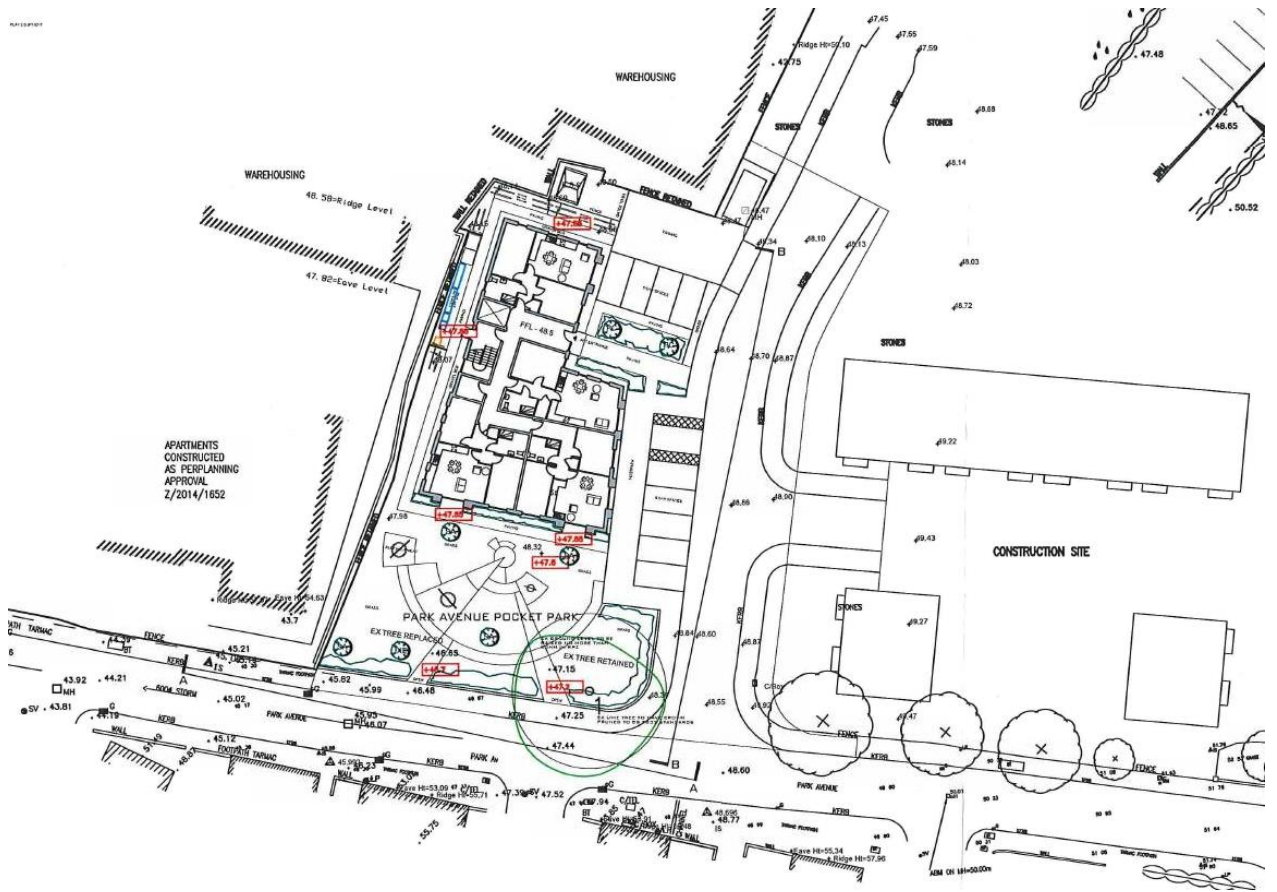
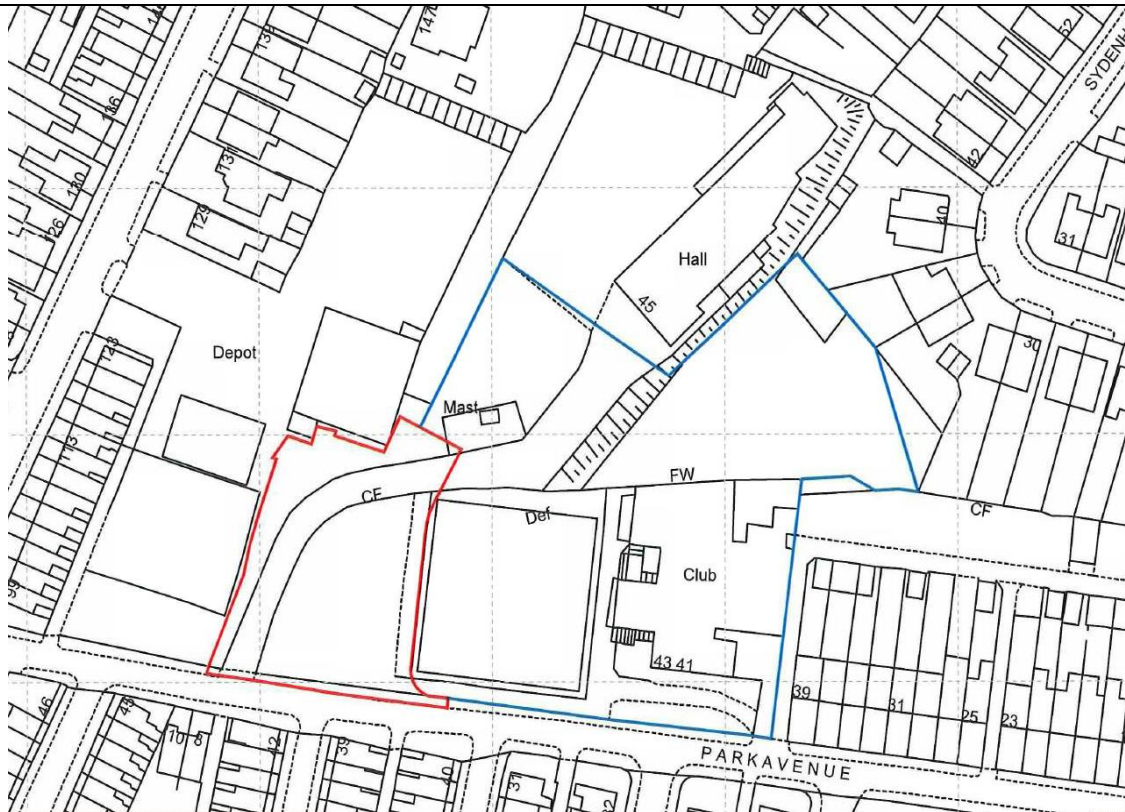
Recommendation:

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 24th May 2019
 due to new dwellings now being occupied.

Date of EIA Determination

N/A

ES Requested

No

Drawing Numbers and Title

Drawing No.
 Type: