

## Development Management Report Addendum Report 3

<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 11 <sup>th</sup> February 2025
<b>Proposal:</b> 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)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in March 2022 and June 2023.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement (refuse if the planning agreement is not completed by 21 <sup>st</sup> March 2025).	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Date valid:</b> 6 <sup>th</sup> November 2020	
<b>Target date:</b> 18 <sup>th</sup> February 2021	
<b>Contact Officer:</b> Ed Baker, Planning Manager (Development Management)	
<b>Background</b> <ol style="list-style-type: none"><li><b>This report should be read in conjunction with the original Committee report to the March 2022 and subsequent addendum reports, appended.</b></li><li>At the 10<sup>th</sup> December Committee meeting, the Committee noted that should the Section 76 planning agreement not be completed by the end of January 2025, the application would be brought back to the Committee for redetermination.</li><li>Whilst progress is being made in respect of the Section 76 planning agreement, it is still not complete at the time of writing this report.</li></ol>	
<b>Section 76 planning agreement</b> <ol style="list-style-type: none"><li>The Section 76 planning agreement remains outstanding after more than 5 years. It seeks to secure the following:<ul style="list-style-type: none"><li>provision of the 21 units as affordable housing (social / intermediate housing);</li><li>the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;</li><li>the future management of the pocket park;</li></ul></li></ol>	

- temporary treatment of the site for 12 apartments if those were delayed or not built out; and
- a financial developer contribution of £67,632 (index linked from the originally agreed sum) for enhancement works at the King George V playing fields.

### **Recommendation**

5. The application cannot remain undetermined indefinitely and the Council must be mindful of its statutory performance targets. In this regard, the Planning Service is seeking to progress by year end (31<sup>st</sup> March 2025) a number of long-standing applications previously approved by the Committee for which Section 76 planning agreements have still to be completed (these are listed in the separate report under item 6 relating to Committee decisions that have yet to issue).
6. Therefore, it is recommended that the application is approved subject to conditions and the Section 76 planning agreement, provided that the planning agreement is completed by 21<sup>st</sup> March 2025. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.
7. Should the Section 76 planning agreement not be completed by 21<sup>st</sup> March 2025, it is recommended that the application is refused on grounds that the planning obligations necessary to make the development acceptable have not been adequate secured. In such circumstances, delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

## Development Management Report

### Addendum Report 2

<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 10 <sup>th</sup> December 2024
<b>Proposal:</b> 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)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in March 2022 and June 2023.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Date valid:</b> 6 <sup>th</sup> November 2020	
<b>Target date:</b> 18 <sup>th</sup> February 2021	
<b>Contact Officer:</b> Ed Baker, Planning Manager (Development Management)	
<b>Background</b> <p>This application was first considered by the Committee in March 2022 when the Committee resolved to approve the application subject to completion of a Section 76 planning agreement.</p> <p>The application remained undetermined at the point of adoption of the Belfast LDP: Plan Strategy in May 2023 because the Section 76 planning agreement had not been completed. The application was therefore reported back to the Committee at its 20<sup>th</sup> June 2023 meeting so that it could be reconsidered against the new policies in the Plan Strategy.</p> <p>The Committee again approved the application subject to completion of the Section 76 planning agreement,</p> <p>The application is reported back to the Committee for a further time in view of the following:</p> <ol style="list-style-type: none"><li>1. The Section 76 planning agreement remains to be completed, over 2.5 years after the Committee's original resolution to grant planning permission subject to completion of the Section 76 planning agreement.</li></ol> <p>This addendum report should be read in conjunction with the previous Committee reports, appended.</p>	

### **Section 76 planning agreement**

2. The Section 76 planning agreement remains outstanding after more than 2.5 years. The delays have mainly been due to land ownership issues that still require to be resolved.
3. The application cannot remain undetermined indefinitely and the Council must be mindful of its statutory performance targets. It is therefore recommended that should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to the Committee in February 2025 for redetermination.

### **Other matters**

4. Amongst other matters, the Section 76 planning agreement is to seek a Developer Contribution of £65,587 for enhancement works at the King George V playing fields. The value of the Developer Contribution should once again be subject to an inflationary uplift due to the passage of time. This should be based on CPI inflation since June 2023 when the application was last considered by the Committee.

### **Section 76 planning agreement – updated terms**

5. The updated planning obligations to be secured through the Section 76 planning agreement are set out below.
  - provision of the 21 units as affordable housing (social / intermediate housing);
  - the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;
  - the future management of the pocket park;
  - temporary treatment of the site for 12 apartments if those were delayed or not built out; and
  - developer contribution of £65,587 for enhancement works at the King George V playing fields (to be index linked from June 2023) for enhancement works at the King George V playing fields.

### **Recommendation**

6. Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable.
7. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. Should the Section 76 planning agreement not be completed by the end of January 2025, the application will be reported back to Committee for redetermination.

## Development Management Report Addendum Report 1

<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 20 <sup>th</sup> June 2023
<b>Proposal:</b> 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)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Proposal would secure a Financial Developer Contribution exceeding £30,000. Previously considered by the Committee in March 2022.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Background</b> <p>This application was considered at the March 2022 meeting of the Planning Committee. The Committee resolved to grant planning permission subject to a Section 76 Planning Agreement to secure the following:</p> <ul style="list-style-type: none"><li>• provision of the 21 units as affordable housing (social / intermediate housing);</li><li>• the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;</li><li>• the future management of the pocket park;</li><li>• temporary treatment of the site for 12 apartments if those were delayed or not built out;</li><li>• securing of the £52,000 with inflationary uplift since December 2019 (if it had already been paid in relation to application LA04/2019/0081 then it would not have to be paid twice).</li></ul> <p>The Committee gave delegated authority to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement.</p> <p>Since the Committee's decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). At its April 2023 meeting, the Committee gave delegated authority to re-evaluate the application following adoption of the Plan Strategy. However, the application is reported back to Committee for re-evaluation as it is connected to application for 12 apartments on the adjacent land (LA04/2019/0081F), which is also being reported to the Committee.</p> <p>The previous case officer report to the Committee is appended. This includes the Lates items to the March 2022 Committee.</p>	

## Updated Policy Context

Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

**Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

## Relevant Planning Policies

The following policies in the Plan Strategy are relevant to consideration of the application.

- Policy SD2 – Settlement Areas
- Policy HOU1 – Accommodating new homes
- Policy HOU2 – Windfall housing
- Policy HOU4 – Density of residential development
- Policy HOU5 – Affordable housing
- Policy HOU6 – Housing mix
- Policy HOU7 – Adaptable and accessible accommodation
- Policy DES1 – Principles of urban design
- Policy RD1 – New residential developments
- Policy HC1 – Promoting healthy communities
- Policy TRAN6 – Access to public roads
- Policy TRAN8 – Car parking and servicing arrangements
- Policy TRAN10 – Design of car parking
- Policy ENV1 – Environmental quality
- Policy ENV2 – Mitigating environmental change
- Policy ENV3 – Adapting to environmental change
- Policy ENV5 – SuDS
- Policy GB1 – Green and blue infrastructure network

Policy OS1 – Protection of Open Space  
Policy OS3 – Ancillary open space  
Policy NH1 – Protection of natural heritage resources  
Policy TRE1 – Trees

Supplementary Planning Guidance  
Affordable Housing and Housing Mix  
Residential Design  
Placemaking and Urban Design  
Sustainable Urban Drainage Systems  
Transportation  
Trees and Development

### **Updated Assessment**

The adoption of the Plan Strategy requires the following updated assessment.

#### Additional Information

Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.

#### Consultation responses

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. No further consultations have therefore been issued.

#### Principle of development

The principle of development remains acceptable as set out in the previous case officer report, appended. The site is located within the settlement limit, has good access to services, shops and public transport. The proposal would make effective use of land at a density of 42 units/ha, which is within the 25-125 units/ha range for outer Belfast. The proposal is considered compliant with Policies SD2, HOU1, HOU2 and HOU4 of the Plan Strategy.

Whilst the proposal would result in the loss of open space, this is considered off-set by the provision of the 21 dwellings as social housing for which there is a significant local need. NIHE has previously confirmed its support for the application and that the scheme was on the 2021/22 social housing programme (see Late items report to the March 2022 Committee, appended). Combined with the provision of a commuted sum of £65k (including inflation) towards improvements to the local King George V playing fields, this is considered a substantial community benefit that would decisively outweigh the loss of the original open space, having regard to Policy OS1 of the Plan Strategy.

#### Affordable housing and housing mix

All 21 dwellings would be provided as affordable housing (100% provision) to help off-set the loss of the original Maple Leaf Club and open space from the site.

The proposal, in combination with the development of the adjacent site for 12 apartments (LA04/2019/0081/F), could result in mono-tenure social housing, which would be conflict with the

Policy HOU5's objective of mixed and balanced communities. However, the Affordable Housing and Housing Mix SPG advises at paragraph 4.4.12 that whether proposals for mono-tenure social housing is deemed to deliver sustainable and balanced communities can be assessed on a case-by-case basis using three key factors:

- The level of social housing need in the vicinity of the site and the availability of land to address such needs;
- The wider tenure characteristics of an area, in order to minimise large areas of single tenure social housing; and
- Whether a scheme is proposed as 'shared housing'.

Given the need for social housing the area, NIHE's support for the proposal and tenure characteristics of nearby housing, the approach to tenure is considered, on balance, acceptable.

The proposal is therefore considered acceptable having regard to Policy HOU5 of the Plan Strategy and its associated SPG.

The proposed 5 person 3 bedroom units are 103-104 sqm; and the 3 person 2 bedroom units are 80 sqm, meeting the space standards in Appendix C of the Plan Strategy. The housing mix is considered acceptable, having regard to Policy HOU6.

#### Adaptable and accessible housing

Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has not provided evidence that the scheme will provide sufficient wheelchair accessible units and argues that 'there is an inherent difficulty in designing a small percentage of units to a different standard'.

The applicant states that the proposed dwellings have been specifically designed to meet the requirements of the Housing Association, taking account of increased space requirements requested by them, and that no wheelchair housing units have been provided as a result of no need being identified by NIHE with respect to the social housing waiting list. Similarly, the applicant notes that there is in-built flexibility for all units already designed to Lifetime Homes standards.

Whilst building to Lifetime Homes standards and Housing Association Guide (HAG) standards will ensure that all dwellings will meet the adaptable home requirements of criteria a. to f. of Policy HOU7, the proposals does not fully satisfy the wheelchair accessibility provisions set out in criteria g. to o. Policy HOU7 requires a minimum of 10% of the dwellings to be wheelchair accessible units. However, some of the proposed dwellings exceed the minimum space standards and the full Lifetime Homes standards meet some of the wheelchair adaptable standards. Regard is also had to the previous decision of the Committee in March 2022 to grant planning permission. Taking into account these factors, this contravention of Policy HOU7 is considered acceptable in the planning balance.

#### Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and



operation. The applicant states that the proposal is capable of meeting the BREEAM and energy efficiency standards of Housing Associations. Whilst no specific measures to mitigate climate change have been provided, given the requirement for the apartments to be constructed to Housing Association design standards which require a commitment to energy efficiency, it is considered that this matter can be appropriately addressed by condition.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The proposed layout includes permeable grassed areas. No additional resilience measures have been identified, however, this can be secured by an appropriate planning condition.

#### Sustainable Urban Drainage Systems (SuDS)

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. Whilst no specific measures are identified, the proposed layout includes permeable grassed areas. No additional specific SuDS measures have been identified by the applicant, however, this will be secured by means of a planning condition.

#### Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The scheme involves the provision of a small pocket park on the adjacent development of 12 apartments to provide amenity and recreation space for residents. The site is within walking distance of King George V playing fields. It is within walking distance of shops and services and its location would promote healthy and active lifestyles. The proposal is considered acceptable having regard to Policy HC1 of the Plan Strategy.

#### Planning obligations

It is considered that the planning obligations previously agreed by the Committee remain necessary to make the proposal acceptable in the planning balance. These include:

- provision of the 21 units as affordable housing (social / intermediate housing);
- the pocket park proposed under LA04/2019/0081/F to be delivered no later than two years from the date of first occupation of the 21 units;
- the future management of the pocket park;
- temporary treatment of the site for 12 apartments if those were delayed or not built out; and
- developer contribution of £65,587 for enhancement works at the King George V playing fields

#### Other considerations

Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

Regard is also had to the previous decision of the Planning Committee which was to grant planning permission subject to completion of a Section 76 planning agreement.

**Conclusion and Recommendation**

Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. Additional conditions are required in respect of mitigation and adaptation to climate change, including SuDS.

## Late Items

Agenda Item	Application	Issues Raised	Action																				
7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table border="1" data-bbox="981 858 1608 1010"> <thead> <tr> <th></th> <th>Singles</th> <th>Families</th> <th>Elderly</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>All Applicants</td> <td>133</td> <td>138</td> <td>58</td> <td>329</td> </tr> <tr> <td>Housing Stress</td> <td>86</td> <td>79</td> <td>42</td> <td>207</td> </tr> <tr> <td>Allocations to December 2021</td> <td>30</td> <td>13</td> <td>30</td> <td>73</td> </tr> </tbody> </table> <p>The proposal is currently on the 2024/25 Social Housing Development Programme as a second phase of development of the wider lands.</p>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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7c	LA04/2019/0081/F Erection of 12 apartments at former Maple Leaf Club, Park Avenue	The applicant confirms their agreement to the inflationary uplift (Consumer Price Index linked) to the £52k Financial Developer Contribution towards enhancements at the King George V playing fields.	For notation.																				

Agenda Item	Application	Issues Raised	Action																				
7d, 7e & 7f	LA04/2019/0082/F, LA04/2019/0083/F (s54 applications) and LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Northern Ireland Housing Executive (NIHE) is supportive of the application and provides the following comments.</p> <p>NIHE confirms that the proposal is on the 2021/22 Social Housing Development Programme and the mix of housing has been agreed with the joint applicant, Choice Housing. NIHE is keen that the scheme commences in this financial year.</p> <p>The site is located within Middle East Housing Need Area which has a five year need for 307 units for the period 2021-2026.</p> <p>The site is adjacent to Sydenham, Edenvale and Dundela Common Landlord Areas. The following table provides a summary of the Waiting List information for this area for December 2021.</p> <table border="1" data-bbox="981 986 1608 1137"> <thead> <tr> <th></th> <th>Singles</th> <th>Families</th> <th>Elderly</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>All Applicants</td> <td>133</td> <td>138</td> <td>58</td> <td>329</td> </tr> <tr> <td>Housing Stress</td> <td>86</td> <td>79</td> <td>42</td> <td>207</td> </tr> <tr> <td>Allocations to December 2021</td> <td>30</td> <td>13</td> <td>30</td> <td>73</td> </tr> </tbody> </table>		Singles	Families	Elderly	TOTAL	All Applicants	133	138	58	329	Housing Stress	86	79	42	207	Allocations to December 2021	30	13	30	73	For notation.
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7d & 7e	LA04/2019/0082/F and LA04/2019/0083/F s54 applications relating to site of the former Maple Leaf Club, Park Avenue	The applicant has withdrawn both applications as the s54 applications are no longer needed.	For notation.																				

Agenda Item	Application	Issues Raised	Action
7f	LA04/2020/2325/F Erection of 21 dwellings at former Maple Leaf Club, Park Avenue	<p>Further to the officer recommendation, the applicant has confirmed their agreement to the following planning obligations to be secured by way of a Section 76 planning agreement:</p> <ul style="list-style-type: none"> <li>• Single payment of £52k plus inflationary uplift (Consumer Price Index linked); and</li> <li>• Delivery of the 21 dwellings as social/affordable housing.</li> </ul> <p>However, for logistical reasons, the applicant is unable to agree to the requirement that the pocket park is delivered prior to occupation. The main difficulties are summarised below:</p> <ul style="list-style-type: none"> <li>• Underneath the site of the pocket park is the main sewer and electrical cable. Access will be required until full adoption of sewers;</li> <li>• Access for gas connection;</li> <li>• Construction of the apartment block will require access for scaffold, plant and piling rig;</li> <li>• This is the only area left for welfare facilities;</li> <li>• It would be the last part of construction on the overall site from a practical view.</li> </ul> <p>In practice, the applicant states that they are confident that they will be able to deliver the 12 apartments within this period and at the same time complete the pocket park. However, should this not be possible, it proposes a clause in the Section 76 planning agreement to</p>	<p>Officers accept that it would be impracticable to deliver the pocket park prior to occupation of the 21 dwellings for the reasons set out by the applicant.</p> <p>The officer recommendation is therefore modified to require that the pocket park is delivered no later than two years from the date of first occupation. A planning obligation should also be required to secure its future management.</p>

Agenda Item	Application	Issues Raised	Action
		<p>require delivery of the pocket park within 24 months from occupation of the first dwelling within the 21 dwelling scheme. The pocket park would be managed by Choice Housing Association.</p> <p>For information, the applicant provides the following indicative timeline for delivery of the scheme:</p> <ul style="list-style-type: none"> <li>• March/April 2022 – onsite start of 21 dwellings.</li> <li>• March/April 2023 – first handover</li> <li>• March/April 2023 – hope to commence works on 12 apartments</li> <li>• March/April 2024 – complete 12 apartments and pocket park</li> <li>• Worst case scenario is that pocket park will be delivered 24 months from first handover i.e. by March/April 2025</li> </ul>	

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> 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)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> 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.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<b>Executive Summary:</b>	
<p>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.</p> <p>The key issues to consider are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Loss of open space</li> <li>• Provision of public and private amenity space</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Impact on existing trees / proposed landscaping</li> <li>• Access and parking</li> <li>• Drainage and flood risk</li> <li>• Waste-water infrastructure</li> </ul> <p>The site is un-zoned 'whiteland' within the BUAP 2001 and draft BMAP 2015.</p> <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> <p>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</p>	

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.

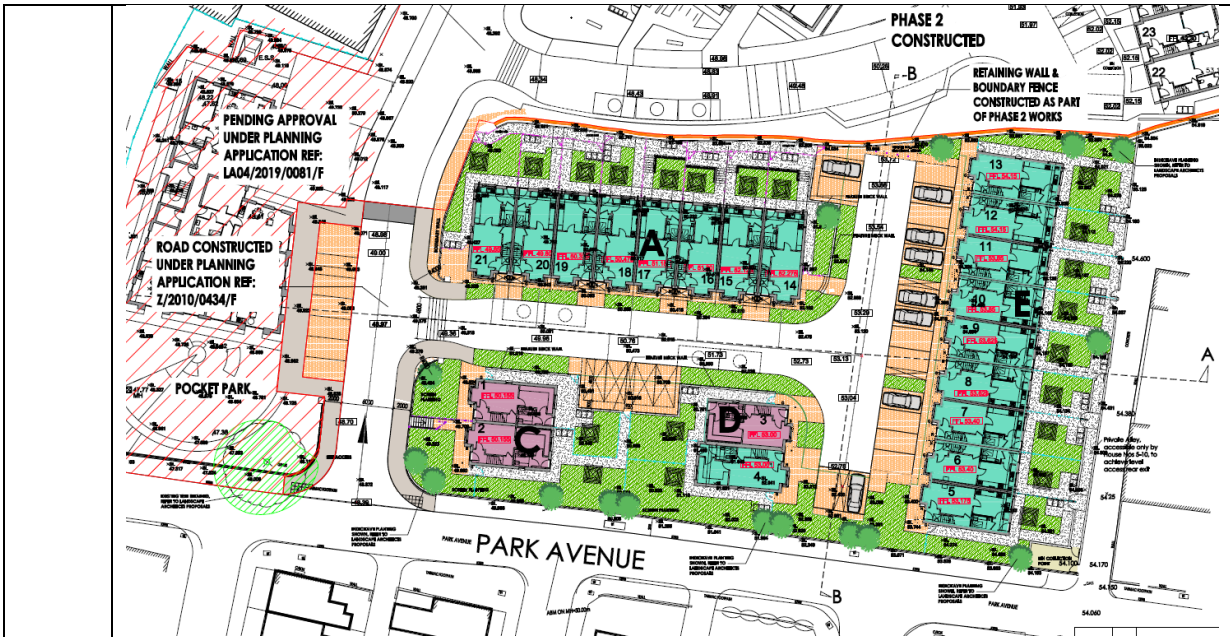
## **Recommendation**

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	<b>Description of Proposed Development</b>
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.
 <p>The map shows a residential area with several streets. A large area is outlined in blue, and a smaller area within it is outlined in red. A specific area, likely the proposed development site, is highlighted in green. The map includes labels for 'Hall', 'Club', and 'Park Avenue'. Various house numbers are visible, such as 45, 43, 41, 39, 31, 25, 23, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 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**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 Site History**

***Application site***

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

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>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><b>Land to West (Currently under consideration)</b></p> <p>LA04/2019/0081/F – Erection of 12 apartments (social/affordable housing units comprising 3No. one bed &amp; 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> <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><b>Wider lands</b></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 &amp; 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>
<p><b>4.0</b></p>	<p><b>Policy Framework</b></p>
<p>4.1</p>	<p>Belfast Urban Area Plan 2001 (BUAP)</p>
<p>4.2</p>	<p>Draft Belfast Metropolitan Plan 2015 (v2004) (dBMAP 2015 v2004)</p>
<p>4.3</p>	<p>Draft Belfast Metropolitan Plan 2015 (v2014) (dBMAP 2015 v2014)</p>

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>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
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
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	BCC Tree and Landscaping officer – No objection, subject to conditions
<b>7.0</b>	<b>Representations</b>
7.1	37 neighbours have been notified of the proposed development. No representations were received.
<b>8.0</b>	<b>Assessment</b>
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	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

	<p>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> 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>
8.5	<p><u>Principle of development including loss of Open Space</u> The site is un-zoned 'whitelands' 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</p>

	<p>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	<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>
8.14	<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>
8.15	<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>
8.16	<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</p>

	<p>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>8.17 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, 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> <p>8.18 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> <p>8.19 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> <p>8.20 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> <p>8.21 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> <p><u>Residential amenity</u></p> <p>8.22 It is not considered that the proposed development will create conflict with adjacent land uses.</p> <p>8.23 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</p>
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	<p>included a similar arrangement, it is considered acceptable in this case. There are no other concerns regarding overlooking, natural light, shadow or outlook.</p>
8.24	<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<sub>Aeq,16hr.</sub>'</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 <b>but should not be prohibited.</b>'</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 granted for a similar layout on the site. In conclusion, Environmental Health Has requested conditions in the event that planning permission is granted.</p>
8.26	<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>
8.27	<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>
8.28	<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>
8.29	<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</p>

	<p>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>
8.30	<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>
8.31	<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 measures and assists in meeting the needs of people whose mobility is impaired (level access, tactile paving, accessible parking bays etc.).</p>
8.32	<p>The proposed development is not large enough for provision of local neighbourhood facilities, however, local amenities are located in close proximity on Connsbrook Avenue, Hollywood Road and Belmont Road.</p>
8.33	<p><u>Trees and Landscaping</u> 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>
8.34	<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> 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>

<p>8.35</p> <p>8.36</p>	<p><u>Waste water infrastructure</u> 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> <p><u>Other issues</u> 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>
<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p><b>9.0 Summary of Recommendation:</b> Approve subject to conditions and S76</p> <p>9.1 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"> <li>• provision of the 21 units as affordable housing (social / intermediate)</li> <li>• delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings</li> <li>• temporary treatment of the site for 12 apartments if delayed or not built out</li> <li>• 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).</li> </ul> <p>9.2 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>10.1</p> <p>10.2</p> <p>10.3</p>	<p><b>10.0 Draft Conditions</b></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>

10.4	<p>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>
10.5	<p>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>
10.6	<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>
10.7	<p>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>
10.8	<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> <p>REASON: To prevent damage to or obstruction of services within the service strip.</p>
10.9	<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> <p>REASON: To ensure adequate provision has been made for parking within the site.</p>
10.10	<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> <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>
10.10	<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</p>

<p>10.11</p>	<p>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> <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>
<p>10.12</p>	<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 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>
<p>10.13</p>	<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>
<p>10.14</p>	<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>
<p>10.15</p>	<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 16<sup>th</sup> 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 <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. 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 <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>.</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> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.18	<p>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> <ul style="list-style-type: none"> <li>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);</li> <li>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);</li> <li>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</li> </ul>

<p>10.19</p>	<p>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> <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 &amp; 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> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
<p>10.20</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 &amp; 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> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
<p>10.21</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> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>

10.22	<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> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.23	<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> <p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p>
10.24	<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