

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th March 2023	
Application ID: LA04/2022/0311/F	Target Date:
Proposal: Erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue.	Location: The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW.
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: KH Residential Ltd Rushmere House 46 Cadogan park Belfast BT9 6HH	Agent Name and Address: Turley 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks planning permission for the erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue.</p> <p>In the BUAP 2001 the site is located within the development limit of Belfast and is not zoned for any use. In draft BMAP 2015 (v2004 and v2014) the site is located within the Belfast Metropolitan/Settlement development limit and is not zoned for any specific use.</p> <p>The main issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the Conservation Area • Height, Scale, Massing Design, Layout and Materials • Impact on surrounding amenity • Impact on the setting of the listed King's Hall • Landscaping • Access, Movement and Parking • Environmental (Contamination, Noise, Air Quality) • Drainage/Flood Risk <p>Eight objections have been received regarding the proposed development raising concerns relating to the access arrangements from Balmoral Avenue, the traffic impact of the proposed development and impact on neighbouring amenity. The Balmoral Avenue access arrangements were approved as part of Phase 1 of the King's Hall redevelopment (restoration and extension to the listed King's Hall) and are in operation. DFI Roads has raised no objection to the proposed access arrangements from Balmoral Avenue to serve the site. The siting of the proposed development has sought to maximise separation distances between it and adjacent properties</p>	

which are considered to be sufficient to ensure that no adverse impact will result to neighbouring amenity.

Consultees raise no objection to the proposed development.

This application is a standalone application in its own right and is not dependent on other development on the wider site.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations including third party representation, the proposal is considered acceptable and approval is recommended subject to conditions and a Section 76 to secure green travel measures and management of open space.

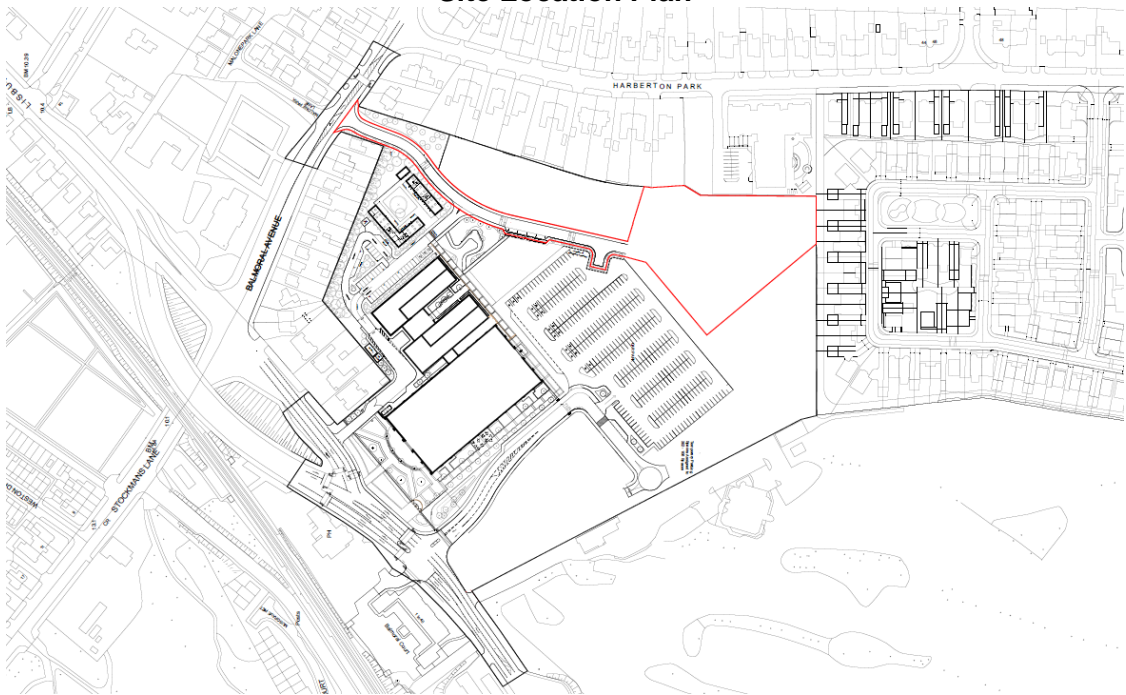
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Agreement and any other issues which might arise.

Signature(s):

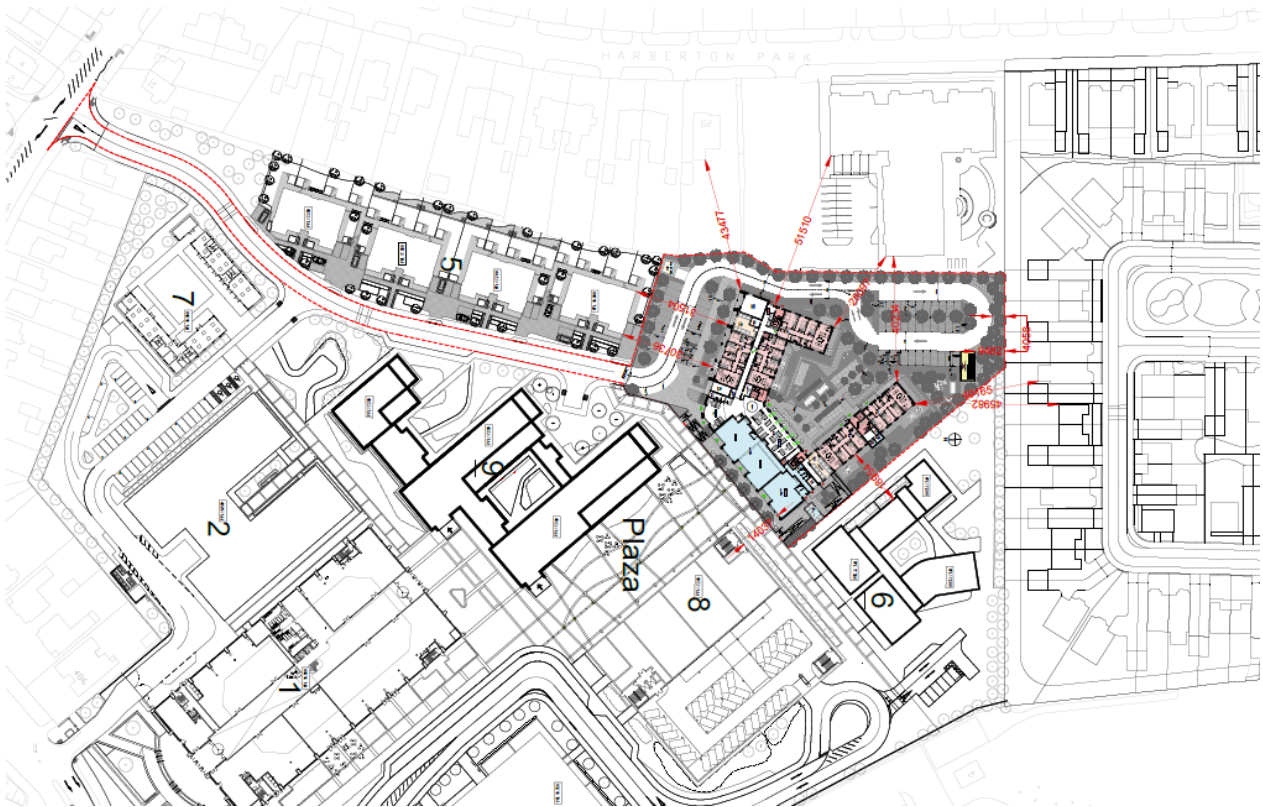
Case Officer Report

1.0 Drawings

Site Location Plan



Site Layout



Floors Plans
Ground Floor Plan



First Floor Plan



Second Floor Plan



Third Floor Plan



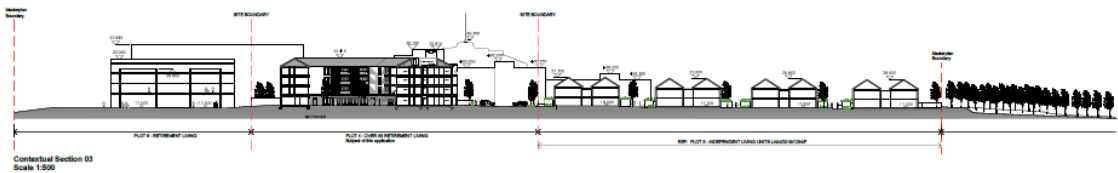
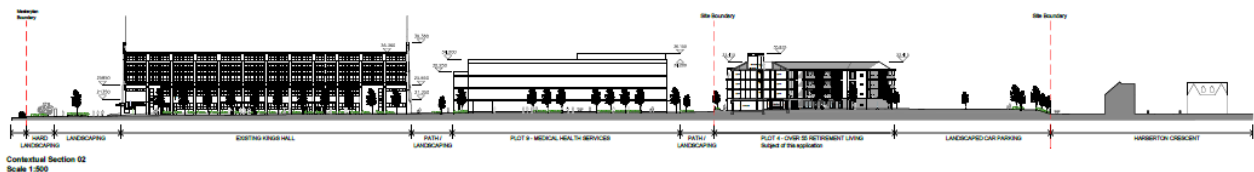
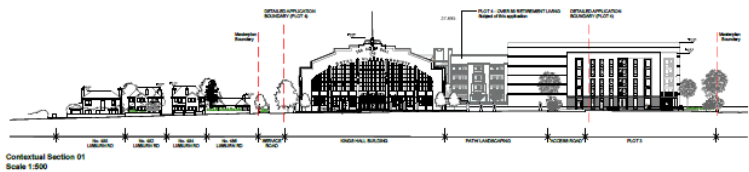
Elevations

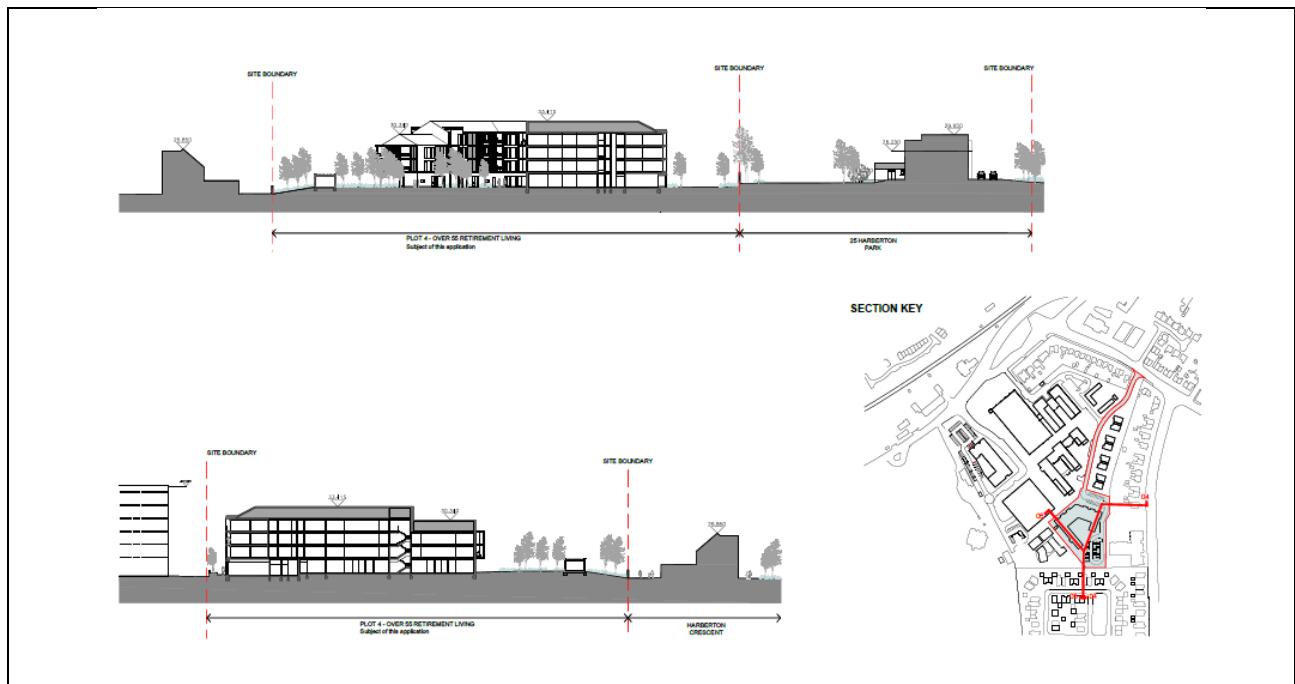


Landscape Plan



Contextual Sections





2.0	Characteristics of the Site and Area
2.1	The site is part of the King's Hall complex and sits in the southern corner of the lands. Works are ongoing on the site in relation to a number of recent approvals (see planning history below) and some buildings on the site have been demolished as part of the Phase 1 planning approval (LA04/2018/0040/F). Part of the site abuts the Malone Conservation Area and the access arrangements at the junction of Balmoral Avenue fall within the Malone Conservation Area.
2.2	Part of the north eastern boundary of the site is defined by a wall along the curtilage of Nos. 23 and 25 Harberton Park with mature planting within the individual gardens. The site abuts a new residential development comprising 16 apartments within the King's Hall site which is accessed off Balmoral Avenue. The site is adjacent to Harberton Park Hall a recently constructed development providing accommodation for older people at land east of Harberton Park and to the south of no 25 Harberton Park. To the south is an existing residential development at Harberton Crescent.
2.3	The eastern boundary between the site and adjacent Harberton Park Hall is defined by a close boarded fence. The southern boundary adjacent to Harberton Crescent is defined by a close boarded fence.
3.0	Description of Proposal
3.1	The development proposes the erection of 40 no. residential units and 2 no. commercial units with associated car parking, cycle storage servicing, landscaping with access off Balmoral Avenue.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Regional Planning Policy <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement

	<ul style="list-style-type: none"> • Planning Policy Statement 6 (PPS 6) - Planning, Archaeology and the Built Heritage • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 8 (PPS8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 13 (PPS 13) - Transportation and Land Use • Planning Policy Statement 15 (PPS 15) - Flood Risk <p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Creating Places • Belfast Agenda Community Plan • Developer Contributions Framework (2020)
4.2	Planning History
4.2.1	<p><i>On the site:-</i></p> <p>LA04/2019/2989/F – Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue, The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club, Belfast, BT9 6GW. Permission granted 20.1.21.</p> <p>LA04/2018/0040/F - Demolition of 29 Balmoral Avenue, demolition of existing non-listed building on site (including conference facility, showgrounds and stables). Refurbishment, creation of new floorspace and change of use from King's Hall venue to primary health care centre (including ancillary retailing and cafe). Erection of 2 storey side extension, repositioned access to Upper Lisburn Road, alterations to existing Balmoral Avenue access, internal access roads, public realm and landscaping, surface level car parks and associated site works including boundary treatments, The Kings Hall and RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North-east Of Balmoral Golf Club, Belfast BT9 6GW. Permission granted 16.04.2019</p>
4.2.2	<p><i>Relevant planning history adjacent to the site:-</i></p> <p>LA04/2017/1394/F - Erection of supported accommodation for older people comprising 28 one bedroom and 4 two bedroom apartments and associated communal space including dining and social areas; kitchen: staff facilities comprising office and changing rooms: laundry room: external landscaped garden: car parking: dedicated vehicular access off Harberton Park and associated landscaping (32 apartments in total) at Land East of Harberton Park to the South of no 25 Harberton Park, Belfast. Permission granted 13.03.2018.</p> <p>LA04/2018/0047/DCA - Demolition of 29 Balmoral Avenue, 29 Balmoral Avenue, Belfast. Consent granted 16.04.2019.</p> <p>LA04/2018/0048/LBC - Conversion of, alterations to and side extension to King's Hall to accommodate Primary Health Care Centre, demolition of existing extensions to</p>

King's Hall and relocation and restoration of existing railings and pillars to the front of King's Hall, The King's Hall And RUAS Site, South Of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park And North East Of Balmoral Golf Club, Belfast, BT9 6GW. Consent granted 16.04.2019.

LA04/2019/1254/F - Erection of independent living complex 16No. units with associated landscaping, parking and access off Balmoral Avenue, Land at former Kings Hall and RUAS Complex, located to the east of the King's Hall and to the rear of Nos. 7-23 Harberton Park, Belfast, BT9 6GW. Permission granted 18.09.20

LA04/2019/2848/F – Construction of day nursery/playschool facility to replace existing temporary day care nursery and reconfiguration of car park approved under LA04/2018/0040/F with associated landscaping and access works, Lands at Kings Hall Complex, Lisburn Road, Balmoral Belfast, BT9 6GW. Permission granted 29.06.20.

LA04/2020/0747/F - Application under section 54 of the Planning Act (NI) 2011 in respect of planning approval LA04/2018/0040/F seeking to vary condition No. 39 to amend the approved layout Drawing No.38 Road layout geometry and levels Phase 1 to reflect the amended layout, The Kings Hall and RUAS site, south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and north-east of Balmoral Golf Club, Belfast, BT9 6GW. Permission granted 29.06.20.

LA04/2020/0845/O - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments) at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F), Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue West of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW. Permission Granted 02.12.21.

LA0420211753F - Retrospective application for minimal change of elevational treatment and position from original planning approval of Family Room, Kings Hall Complex, Belfast, BT9 6GW. Permission Granted 02.02.22.

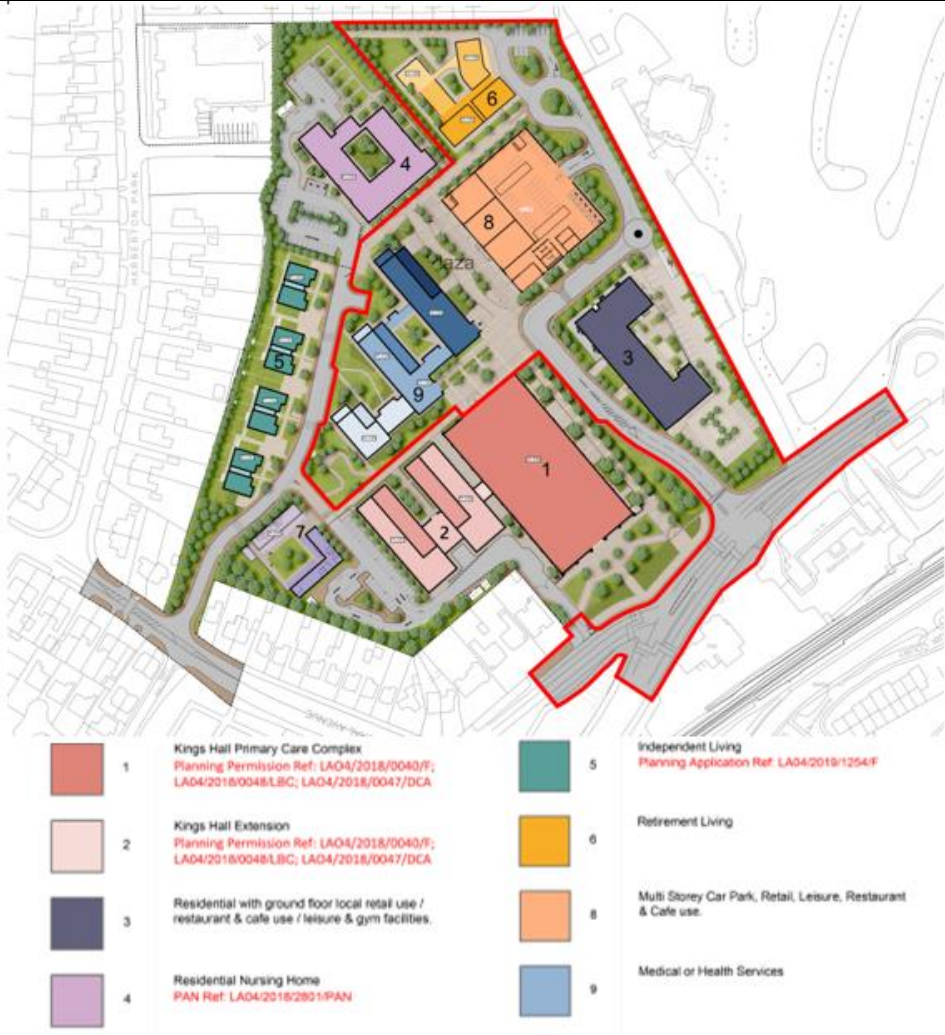
LA04/2023/2430/RM – Application for approval of reserved matters application for a medical facility in accordance with outline planning permission LA04/2020/0845/O, seeking approval of layout, scale, appearance and landscaping details on Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW, Belfast, BT9 6GW. Under consideration.

LA04/2023/2401/F - Full planning application for temporary approval of decked car park on lands forming Plot 6 of outline planning approval LA04/2020/0845/O for the provision of 210 parking spaces at ground and first floor level, including means of access and boundary treatment, for provision of parking until car parking on Plot 8 is operational, The Kings Hall, 488-516 Lisburn Road, Malone Upper, Belfast, Antrim, BT9 6 GW.

4.3	Statutory Consultation Responses
4.3.1	<p>Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>DFI Roads – No objection subject to conditions. DFC HED – No objection. NI Water – No objection. NI Water response confirms that the receiving Waste Water Treatment facility has sufficient capacity to serve this proposal and that there is a public foul sewer, public surface water sewer and public water main to serve the development. DFI Rivers Agency – No objection. DAERA (NIEA) – Water Management Unit - No objection. <i>Drinking Water Inspectorate</i> – No objections refer to standing advice, <i>Regulation Unit Land and Groundwater Team</i> – No objection subject to conditions. Shared Environmental Services (SES) – No objection. Proposed development would have no conceivable impact on the features of any European designated site.</p>
4.3.2	<p>Non-Statutory Consultation Responses</p> <p>Responses from non-statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate.</p> <p>Environmental Health – No objection subject to conditions. BCC Urban Designer – No objection subject to condition. BCC Tree Officer – No objection subject to conditions. BCC Waste Management Unit – No objection. Satisfactory provision has been made for waste storage. NIHE – The above planning application forms part of a wider concept plan with outline approval LA04/2020/0845/O. 45 units of social housing is being supported and developed on plot 6 of the concept plan. We therefore do not request any further social housing on the site.</p>
4.4	Representations
4.4.1	<p>The application has been advertised and neighbours notified. Eight third party objections have been received. The issues raised in the objections include:</p> <ul style="list-style-type: none"> • contrary to policy QD 1 of PPS 7 • bulk and mass of the development is out of keeping with neighbouring 2 storey properties • proposal will overlook the garden and patio area to the rear of No. 25 Harberton Park and permit views into rear bedrooms, living room and kitchen and other dwellings 1-23 Harberton Park would suffer loss of amenity due to overlooking. • Separation distances in Design & Access Statement inaccurate and misleading • Overshadowing of adjacent garden (No. 25 Harberton Park), rear living area, kitchen and bathrooms at times of the year when the sun is lower in the sky • proposal does not appear to have taken into account the effect this development would have on the character of the conservation area • more care needed to ensure the development is not detrimental to neighbouring properties and the overall appearance of the neighbouring conservation area

	<ul style="list-style-type: none"> • King's Hall development now progressing as a large residential development rather than a mixed-use development as originally described • High density apartment development represents a significant intensification in terms of residential units and number of vehicles • Unpredictability of further changes may permit additional users of Balmoral Avenue access • Notice outside the Nursery advertising a 'Coffee Pod' • Lack of management within the site to prevent unauthorised users to enter/egress the site via Balmoral Avenue access • Lack of management within the development site to control a barrier to prohibit a through road between Lisburn Road and Balmoral Avenue • Lack of detail as to how right hand turn ban on traffic exiting Balmoral Avenue is to be managed • car-parking not in accordance with current departmental guidance, evident that apartments attract residents with the capacity to use individual vehicles, thus generating parking requirements in excess of departmental guidance; significant under-provision of car parking which will cause parking pressure on adjoining highways within the King's Hall complex and other roadways accessed from Balmoral Avenue • Increased vehicular presence will intensify vehicular movements via Balmoral Avenue, no indication that traffic modelling has been undertaken • Upgraded access to the development site in close proximity to No. 27 Balmoral Avenue contravenes planning guidance and will create access and road safety issues for the occupant and other road users • Historic modelling of Balmoral junction has always been questionable and the incremental increase (through multiple applications) does not appear to have been reassessed. • Newly designed road traffic arrangements outside No. 27 Balmoral Avenue will have severe major road traffic implications for occupant and other road users and will lead to access and road safety issues and will crystallise most obviously, immediately adjacent to No. 27 Balmoral Avenue including its rear garden; • Impact on the amenity of No. 27 Balmoral Avenue is obviously being noise from traffic stopping, starting, and turning at the Balmoral Avenue junction, alongside the increase in pollutants in the air at this junction; • no evidence that either noise or air pollution has been considered by the developer, when making this Application, and to date there is no indication that BCC has undertaken any assessment of these pollutions; • No evidence that BCC Environmental Health reconsulted in December 2021 at the time of the previous application. New Application further intensifies the impact on the amenity of property at 27 Balmoral Avenue. • Consider road way entrance is non-compliant • This proposal will be detrimental to neighbouring properties on Balmoral Avenue and Harberton Park • It will cause increased traffic to the Balmoral Avenue access, both from residents and service vehicles, onto an already a very busy road. • already difficult to access properties on Balmoral Avenue between Balmoral Avenue access road and the Harberton Park/Balmoral Avenue junction with the current volume of traffic. • Concerns about nursery traffic already utilizing the Balmoral Avenue access road for drop offs and parking, despite agreement from site developers that Lisburn Rd access would be used.
--	--

	<ul style="list-style-type: none"> • Area becoming very built up residential area, which is not alignment with the previous proposal of a mixed use site. • Additional noise, pollution and privacy concerns. • Impact of another large building does not fit in with the established character of this area. Impact on the quiet residential area of Balmoral which has enjoyed a green and leafy lifestyle. • Concerns regarding traffic impact/Traffic will have a serious environmental impact on this residential four blocks of apartments leading up from Balmoral Avenue. • Impact (of another large building) on the established character of a neighbourhood. • Adverse environmental effects from traffic. • The ethos of the Kings Hall development is of Health and Well-being of the older person in particular. The addition of a further 40 no. residential units is contributing to an overpopulated and increased density of the area together with the ensuing environmental pollution of any associated increase in traffic. Number of residential units is excessive, request for a marked reduction in the number. • The proposed increased number of residents would also place increased loading on the water and energy systems of the already large site. • Kings Hall Lane is occupied by elderly drivers who have to reverse out from parking onto a newly busy road • Problems with cars being parked on Kings Hall Lane • Existing difficulties with cars exiting Balmoral Avenue and turning right. An additional 40 units would cause severe congestion.
4.5	<p>Planning Assessment</p> <p>Application Background</p>
4.5.1	<p>The application site forms part of the wider King's Hall complex for which an indicative masterplan has been submitted (as set out below) for the comprehensive redevelopment of the overall site. This masterplan has no official status but has been used as a framework for ongoing development on the wider site.</p>
4.5.2	<p>As set out above under 'Planning History' planning permission has been previously granted for a number of elements within the complex including the restoration of and extension to the listed King's Hall (Phase 1) (Plots 1 & 2 - LA04/2018/0040/F) with associated listed building (LA04/2018/0048/LBC) and conservation area consents (LA04/2018/0047/DCA). Planning permission has also been granted for a variation of condition (LA04/2020/0747/F) to the car parking layout to facilitate the approved relocation of a day nursery on the site (Plot 7 - LA04/2019/2848/F). In addition, permission has been granted for 16 independent living units with associated landscaping, parking and access off Balmoral Avenue (Plot 5 - LA04/2019/1254/F). These units are now occupied. Permission was granted for 81 apartments (under construction) (no matters reserved), a multi-storey car park with ancillary commercial uses, medical/health facility and apartments. Permission has also been granted for a Care Home on the current application site (Plot 4 - LA04/2019/2989/F). The current application is considered a standalone application in its own right within the King's Hall complex and is not dependent on other development on the wider site.</p>



4.6 Key Issues

4.6.1 The key issues to be considered in the assessment of this application are:

- Principle of development
- Impact on the Conservation Area
- Height, Scale, Massing, Design, Layout and Materials
- Impact on surrounding amenity
- Impact on the setting of the listed King's Hall
- Landscaping
- Access, Movement and Parking
- Environmental (Contamination, Noise, Air Quality)
- Drainage

An assessment of the above issues is set out below.

4.7 Development Plan Context

4.7.1 Section 6(4) of the Planning Act (Northern Ireland) 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.

4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP 2015 which was published in 2004 (v2004).
4.7.4	<p><i>Belfast Urban Area Plan 2001 (BUAP)</i></p> <p>Within the BUAP the site is unzoned land within the development limit of Belfast.</p>
4.7.5	<p><i>Draft BMAP (2004 and 2014) designations</i></p> <p>In dBMAP (v2004) the site is unzoned land within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also unzoned land within the Belfast Metropolitan/Settlement Development Limit.</p>
4.7.6	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
4.8	Principle of Development/ Policy Consideration of Proposed Uses
4.8.1	Policy SFG2 of the RDS seeks to grow the population of the City of Belfast. Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, and PPS7 remain applicable under 'transitional arrangements.
4.8.3	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-17 highlight the importance of creating shared space, whilst paragraphs 4.23-27 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
4.8.4	The primary use of the site is for residential development. The site is not zoned for any specific use in draft BMAP or the BUAP and the proposed residential use does not conflict with the development plan or planning policy context. Furthermore, a number of residential developments have been approved and one enacted to date while another is under construction within the wider King's Hall complex. Residential developments abut the site to the north along King's Hall Lane, to the north-east along Harberton Road and the south/south-west in Harberton Crescent. The proposed

	residential use is considered compatible with surrounding existing land uses and acceptable in principle. Further consideration of the residential scheme against PPS 7 and the SPPS is set out below.
4.8.5	Two ground floor commercial units are proposed comprising 482 sqm. Supporting documents indicate that the proposed uses would fall with Class A1: Shops and Class A2: Financial, professional and other services which are main town centre uses. The policy considerations for proposed retail development is set out below.
4.8.6	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.8.7	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused. In this case there is not an up-to-date LDP and a sequential test is not required for this application.
4.8.8	<p>Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):</p> <ul style="list-style-type: none"> - primary retail core; - town centres; - edge of centre; and - out of centre locations, only where sites are accessible by a choice of good public transport modes.
4.8.9	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy.
4.8.10	Paragraph 6.97 of the SPPS states that "planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings."
4.8.11	<p>BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 part 4 volume 2. The BMA retail strategy seeks to:</p> <ul style="list-style-type: none"> - promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland; - Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and

	retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.8.12	The nature and scale of the proposed commercial units is not considered significant nor would they adversely impact on the vitality and viability of existing protected centres but rather serve a local retail/business function. The site is well served by public transport with Balmoral Station in close proximity and an established bus route along the Lisburn Road/Upper Lisburn Road. The principle of retail/services development is considered acceptable at this location.
4.8.13	An objection received raised concerns that the King's Hall development was now progressing to a largely 'residential development' rather than a 'mixed use development' as originally described. The site is not zoned for a specific use in the relevant development plans and the proposed use is assessed on its own merits. Notwithstanding, the overall King's Hall complex currently has medical related uses (Data works/ Diaceutics and Spa Medica Hospital), a childrens' day nursery and housing on the site. Furthermore, other planning approvals include residential (Plots 3 and 6), multi-storey car park with retail development at ground floor level (Plot 8) and Medical/Health Services (Plot 9) which will provide for a mixed-use complex.
4.9	Height, Scale, Massing, Design, Layout and Materials
4.9.1	The proposal has been assessed against the SPPS and Policy QD1 of Planning Policy Statement 7.
4.9.2	<p>Policy QD1 of PPS7 states that '<i>Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area</i>'</p> <p>Furthermore, '<i>All proposals for residential development will be expected to conform to all of the following criteria:</i>'</p> <p><i>a) the 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, structures and landscaped and hard surfaced areas;</i></p>
4.9.3	The proposal development is essentially 'C' shaped with the primary frontage terminating views along the internal spine route/Plaza from Upper Lisburn Road with wings extending either side towards the boundaries with Harberton Park and Harberton Crescent respectively. The two primary elevations of the building address both the key spine route alongside the King's Hall as well as the geometry of Balmoral Avenue. A hierarchy of elevational treatment has been applied to these facades through a rhythm of projecting bays and the use of red clay facing brick with dark grey aluminium windows and spandrels alongside sections of reconstituted stone. The building also incorporates pitched tiled roof forms and feature chimney stack elements, both of which nod to characteristics of neighbouring residential architecture. The fulcrum point at which both elevations meet has been purposefully designed as the primary residential entrance to the building and contributes to its overall legibility.
4.9.4	The ground floor commercial units are located on the primary elevation fronting the proposed plaza (approved under planning approval LA04/2020/0845/O). The massing of the proposal is not considerably different from the previously approved four storey

	care home on the site with the eaves and ridge height consistent with the previous approval on the site. The primary elevation is 15.16m high to the ridge and 17.6m at the highest point (top of chimney stacks) with the block extending to the east and west of the central corner feature. The extended western arm of the building drops from four storeys (max. height 15.8m) to three storeys (max height 12m) towards the southern/south-western boundary.
4.9.5	The site is set back within the overall King's Hall complex and the development proposes a building of suitable civic presence and articulation, which reflects its prominent location terminating views along the spine route from the main entrance to the site off Upper Lisburn Road.
4.9.6	Chimneys frame the corner feature on the primary elevations and are also proposed at either end of the primary elevations. The chimney stacks which are slim in profile, will sit below the upper parapet height of the listed King's Hall and are considered to add visual interest to the overall design.
4.9.7	Secondary rear/side facing elevations comprise a light grey clay facing brick at ground floor level with white painted render to upper floors which the Urban Design Officer considers will result in a contrasting, lighter and yet more intimate character when compared to the red brick public facing facades. The rear elevation facing onto the internal courtyard comprises projecting balconies with PPC aluminium white vertical louvre screens along half of the length of the balcony to provide privacy screening and metalwork planters along the remaining half with metal railings above. Projecting balconies are also proposed on the end of the rear blocks. Openings vary in size across the rear elevations providing an appropriate solid to void ratio and are proposed to be finished in dark grey uPVC. Separation distances (28m to Harberton Hall and between 38m and 45m to the nearest properties in Harberton Crescent) between the balconies and rear of properties in adjoining plots are considered sufficient. Existing boundary treatments and proposed planting along the site boundary in combination with the adequate separation distances will ensure no adverse impact on the amenity of adjoining residential neighbours.
4.9.8	The western/north-western boundary which abuts Plot 06 is finished in a similar manner to the rear elevations. Privacy screens have been incorporated into the design and extend along two thirds of the length of the balcony with metal planters and railings for one third of the length. The screens/louvres are proposed to be angled to maximise south facing light and to mitigate overlooking into proposed apartments on Plot 06.
4.9.9	The internal courtyard provides communal amenity provision and an attractive outlook for prospective occupiers. Proposed materials complement those used to the front of the building, including paving flags to patios and pathways and resin bound to more intimate gathering spaces. Large picnic benches allow for informal outdoor gathering and dining while the lounge patio provides a more formal outdoor dining space while an additional seating area with timber pergola to the north of the courtyard optimises the warmer south facing aspect. The landscape plan proposes a mix of semi-mature, ornamental shrub planting, hedge planting and bulb planting provides for a range of textures and ensures seasonal interest throughout the year. A generous shared resident's lounge opens out directly onto the courtyard.
4.9.10	The Urban Design Officer considers that scale, height and massing generally align with the approved permission which assessed relationships between multiple buildings across the wider King's Hall site and is considered appropriate to the surrounding context. The scale, height, massing, design and layout of the proposed development is

	comparable to that approved under planning approval LA04/2019/2989/F and is considered appropriate to the character of the area and respects the surrounding context and complies with criterion (a) of Policy QD 1, PPS 7.
4.9.11	<p>The Urban Design Officer considers that the depth of the proposed development plan has been designed to maximise natural light to penetrate the building, with rooms placed either side of a shared internal corridor. Each of the proposed apartments has an outlook to the side, front, rear or internal courtyard of the proposed block which is acceptable providing for passive surveillance of the parking and open space areas. The apartments comprise 21, 2 bed apartments which range from 91 to 94 sqm and 19, 3 bed apartments which range from 124 to 138 sqm. All of the apartments exceed the recommended space standards as set out in PPS 7 and the draft LDP.</p> <p><i>b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</i></p>
4.9.12	The site sits adjacent to the listed King's Hall building. HED consider that the development is far enough away from the listed building as to have minimal impact on the setting of the listed King's Hall and that it uses sympathetic materials and techniques which respects the listed building. It is considered that the scale and design of the proposed building will allow the listed King's Hall to retain its primacy within the site and the proposed development will not adversely impact on the setting of the listed King's Hall. See Impact on Listed Building paragraph 4.1.4 below). The site does not lie within an area of archaeological potential and there are no archaeological or built heritage on the site.
4.9.13	<p>There are no landscape features on the site at present and therefore no impact on existing trees/hedges within the site. Proposals include hard and soft landscaping for the site which comprise paving around the perimeter of the building and within part of the parking area, buffer, shrub and tree planting along the site boundaries and within the courtyard.</p> <p><i>c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;</i></p>
4.9.14	Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) states that 'The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development' and that 'A normal expectation will be at least 10% of the total site area.' Policy OS 2 also states that 'An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided.'
4.9.15	All of the apartments have private amenity space in the form of a private garden at ground floor level or balconies at upper levels ranging from 11sqm to 230sqm per apartment. In some cases apartments benefit from two balconies. In addition, communal amenity space is provided in the form of the courtyard. The average level of private amenity provision per apartment is 63sqm and significantly exceeds the recommended standards of between 10 and 30sqm per apartment as set out in Creating Places. A residents' lounge is also proposed at ground floor level with access to the internal courtyard. Given the generous level of amenity space proposed it is considered that the

	proposed development meets the exception test set out in Policy OS2. In addition, there are a number of public open space areas in close proximity to the site including the existing pocket park within the King's Hall complex and Musgrave Park.
4.9.16	The landscaping proposals include 90 new trees to be located throughout the site proposing a mix of trees which will help provide screening and visual amenity as well as promoting biodiversity. The landscaping proposals will serve to soften the impact of the development and provide a framework around and within the amenity areas proposed for residents.
4.9.17	The Tree Officer considers that the proposed landscaping will help enhance the site area and link into surrounding trees and proposed landscaping within the context of earlier phases of development on the King's Hall site and that when the proposed trees establish and develop a natural shape over time, they could help provide visual amenity offering, contribute to privacy aspects and promote biodiversity. The Tree officer has no objections to the proposed landscaping subject to conditions.
4.9.18	The proposal complies with the recommended standards set out in Creating Places and Policy OS 2, PPS 8 and complies with Policy QD1 criterion (c), PPS 7.
	<i>d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;</i>
4.9.19	Given the size of the development local neighbourhood facilities are not required to be provided and therefore criterion (d) of Policy QD 1 does not apply to the development. The development is well located to avail of existing neighbourhood facilities/amenities in the area such as recreational facilities (Musgrave Park), schools, community facilities and retail developments (Lisburn Road Arterial route/Boucher Road). Notwithstanding 2 commercial units are proposed within the development which would serve local needs.
	<i>(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;</i>
4.9.20	A network of pedestrian paths/footpaths will be provided within the Kings' Hall complex and will be further expanded as the site is developed. These footpaths will provide direct access to Balmoral Avenue and Lisburn Road facilitating convenient and accessible access by all to public transport including metro services along the upper Lisburn Road and Balmoral Train Stop. The existing paths will enable ease of movement for pedestrians and cyclists linking to the network of adjoining streets/roads. Cycle parking is proposed within the development and supports alternative modes of transport. Existing traffic calming measures in the form of speed bumps are provided along the access from Balmoral Avenue to the site i.e. along Kings Hall Lane. The proposal complies with Policy QD1 criterion (e).
	<i>(f) adequate and appropriate provision is made for parking;</i>
4.9.21	The existing approved access from Balmoral Avenue is proposed to access the development. Fifty-one parking spaces including 4 disabled spaces along with parking of 42 cycles are proposed on site.
4.9.22	An objection was received regarding the under provision of car parking associated with the development. The Transport Assessment sets out the required parking level under the 'Parking Standards' and indicates that 67 spaces would be required for the

	<p>residential units and 26 for the commercial units (93 in total). Policy AMP 7 states that <i>'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic'</i> The policy goes on to set out a number of instances where a reduced level of car parking may be acceptable which include <i>'where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or where the development is in a highly accessible location well served by public transport;'</i>. A total of 51 spaces are proposed to serve the development. Green Travel measures set out in the Travel Plan including the provision of a travel card for each unit for 3 years and discounted membership of a car club are proposed to support the reduced level of parking. The site is well served by public transport with the Balmoral Train Station close by and Metro bus services operating frequently along the Lisburn Road. DFI Roads has raised no objection to the level of parking on the site. The proposed level of parking is considered acceptable and compliant with Policy AMP 7.</p>
4.9.23	<p>An objection raised concerns that the roadway entrance from Balmoral Avenue is non-compliant. An enforcement investigation has been opened regarding this matter and is ongoing. Notwithstanding, DFI Roads has raised no objection to the use of the existing Balmoral Avenue access to serve this development.</p>
4.9.24	<p>An objection raised concerns regarding the unpredictability of further changes which may permit additional users of Balmoral Avenue access. Any traffic impacts of further applications, if received will be assessed taking into account existing and committed developments and each application will be considered on its own merits.</p>
4.9.25	<p>A further objection point raised concerns regarding the lack of management within the development to prevent unauthorised users to enter/egress the site via Balmoral Avenue access. The Balmoral Avenue access is provided to serve the approved 16 independent living units, and restricted access to the King's Hall (Phase 1). The internal road (King's Hall Lane) will be private i.e. will not be adopted by DFI Roads and will be the responsibility of the developer/applicant to manage/maintain. A condition is attached to the Phase 1 approval stating that <i>'There shall be no vehicular through route between the Lisburn Road access and the Balmoral Avenue access except to permit servicing. The access is to be controlled by a permanent barrier under 24 hour control.'</i> A barrier is in place at the entrance to the King's Hall Phase 1 site to limit access and vehicular access to and parking for the nursery is via the Lisburn Road entrance.</p>
4.9.26	<p>A point made in an objection raised concerns regarding how the right-hand turn ban on traffic exiting Balmoral Avenue is to be managed. Failure to adhere to road traffic restrictions would be an enforcement matter for the PSNI.</p>
4.9.27	<p>Concerns have also been raised regarding the impact on the Balmoral Avenue access of additional traffic generated as a result of the development and difficulties exiting from that access and turning right. The upgraded access from Balmoral Avenue has been through a rigorous assessment by DFI Roads including a safety audit as part of the previous approval on the site (Ref:LA04/2018/0040/F) and the subsequent discharge process (Ref: LA04/2019/2972/DC).</p>

4.9.28	<p>DFI Roads has considered the objections received insofar as they relate to carparking and traffic management/impact and has raised no objection to the access or parking arrangements for the proposed development subject to conditions. The proposal is therefore considered compliant with PPS 3 and criteria (e) and (f) of Policy QD 1, PPS 7.</p> <p><i>(g) the design of the development draws upon the best local traditions of form, materials and detailing;</i></p>
4.9.29	<p>Materials along primary elevations include red clay facing brick (also along part of the side blocks), PPC dark grey aluminium windows, doors and louvres dark grey galvanised and PPC metalwork gates. Finishes to the rear and side of the blocks include white/light grey clay facing brick, white and dark grey render/pre-cast concrete, dark grey PVC doors and windows, white galvanised and PPC steel balconies aluminium louvres, white galvanised and PPC metalwork planters, balustrades and balconies. The materials will complement existing built development on the King's Hall site and HED consider that the materials are sympathetic to the listed King's Hall. The proposal is considered to comply with criterion (g) of Policy QD 1, PPS 7.</p> <p><i>h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;</i></p>
4.9.30	<p>There is an established residential development located to the east and south of the proposed development. A new residential development within the King's Hall site has now been constructed and is occupied and abuts part of the northern boundary of the site. Boundaries with Harberton Park are defined by a wall with mature trees within Nos. 23 and 25 Harberton Park. Concerns have been raised regarding the proximity of the proposed development to existing dwellings on Harberton Park. Separation distances between the rear of the nearest property at 25 Harberton Park to the proposed development is 43.5m. The separation distance along with existing mature planting within the curtilage of No. 25 and 23 Harberton Park and existing boundary walls along with proposed planting along the eastern boundary of the site are considered adequate to ensure no adverse impact on the amenity of adjoining existing neighbours on Harberton Park in terms of overlooking, overshadowing and loss of privacy.</p>
4.9.31	<p>The separation distance between the recently constructed dwellings within the King's Hall (on King's Hall Lane) and the proposed dwellings ranges between 30.7m and 31.5m. Proposed planting on either side of King's Hall Lane along with the separation distances are considered adequate to ensure no impact on the amenity of these properties. The separation distance between the rear of the closest existing dwellings to the south at Harberton Crescent and the proposed development (3 storeys) is 40.1m and is considered adequate to ensure no adverse impact on neighbouring amenity. The separation distance between the proposed dwelling and the adjacent Harberton Hall is 28m and is considered adequate. The separation distance between the proposed development and the proposed residential development on Plot 06 ranges from 13.75 to 18.9m and is considered acceptable. Tilted louvres on balconies have been proposed to mitigate overlooking into proposed apartments on Plot 06. The separation distances between the proposed development and adjacent existing neighbours are generally in accordance with Creating Places and are considered acceptable in this urban location.</p>
4.9.32	<p>The proposed commercial units on the ground floor have separate access and servicing routes and will provide active ground floor uses fronting onto the plaza. Environmental Health recommend conditions regarding the hours of uses of the commercial units and associated outdoor seating area to ensure no adverse impact on the amenity of existing</p>

	and prospective occupants. It is considered that the proposed commercial uses do not conflict with the residential use.
4.9.33	The Urban Design Officer considers that the building footprint has been purposefully set back from site boundaries to reduce any impact to adjoining properties. It is considered that the proposed development will not create and adverse impact on the existing adjacent land uses and therefore complies with criterion (h) of Policy QD 1, PPS 7.
4.9.34	<p>An objection raises concerns that the proposal impacts on the established character of a neighbourhood. The impact of the development on the neighbouring properties both within the King's Hall site and in the surrounding context have been considered and the proposed development is considered acceptable and compliant with PPS 6, PPS 7 and the SPPS.</p> <p><i>i) the development is designed to deter crime and promote personal safety.</i></p>
4.9.35	The proposed development will allow the parking and communal open space areas to be overlooked providing surveillance and a secure environment and promoting the safety of prospective occupiers and therefore complies with criterion (i) of Policy QD 1, PPS 7.
4.10	Impact on the setting of the Listed King's Hall
4.10.1	The proposed site falls within the setting of the listed King's Hall and paragraph 6.12 of the SPPS and Policy BH 11 (Development affecting the Setting of a Listed Building) of PPS 6 apply.
4.10.2	<p>Policy BH 11 states that the Council will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</p> <ul style="list-style-type: none"> (a) The detailed design respects the listed building in terms of scale, height, massing and alignment (b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and (c) The nature of use proposed respects the character of the setting of the building
4.10.3	When viewed from the Lisburn Road access point the building will be read in association with the Listed King's Hall. It is considered that there is sufficient distance (approximately 100m) between the listed King's Hall and the proposed building and in addition a development plot is located between both (see indicative masterplan above) ensuring that the listed King's Hall will retain visual prominence.
4.10.4	HED consider that the development is far enough away from the listed building as to have minimal impact on the setting of the listed King's Hall and that it uses sympathetic materials and techniques which respects the listed building.
4.10.5	It is considered that the scale and design of the proposed building will allow the listed King's Hall to retain its primacy within the site and the proposed development will not adversely impact on the setting of the listed King's Hall. The proposed development therefore complies with Policy BH 11 and Section 91 of the Planning Act (Northern Ireland).

4.11	Impact on the Conservation Area
4.11.1	The site boundary abuts the Malone Conservation Area adjacent to Nos. 23 and 25 Harberton Park and at the entrance from Balmoral Avenue access. There is no change proposed to the existing boundary treatment to the rear of Nos. 23 and 25 Harberton Park or at the Balmoral Avenue access. Additional planting along the boundary with Nos. 23 and 25 Harberton Park is proposed as part of the development.
4.11.2	The proposed access arrangement at the junction of Balmoral Avenue has been established through planning approval LA04/2018/0040/F. A condition of that permission requiring full engineering details to be submitted to and approved in conjunction with DFI roads at this junction has been discharged by the Council (Ref: LA04/2019/2972/DC). Number 29 Balmoral Avenue which was within the Malone Conservation Area has been demolished in line with the associated Conservation Consent approval (LA04/2018/0047/DCA). On this basis there is no conflict with Policy BH 14 (Demolition in a Conservation Area) of PPS 6, paragraph 6.18 of the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011. It is considered that the character and appearance of the Conservation Area will be preserved at this location.
4.12	Other Matters
4.12.1	An objection raised concerns that a sign outside the approved nursery advertising a 'Coffee Pod'. An enforcement investigation has been carried out regarding this matter. The coffee facility is ancillary to the nursery and is only available to those using the nursery. No enforcement action is considered necessary.
4.12.2	Concerns were raised about nursery traffic using the Balmoral Avenue access road for drop offs and parking, despite agreement from site developers that Lisburn Rd access would be used. The access to the nursery is via the Lisburn Road and no vehicular access to the nursery is available from Balmoral Avenue as there is a barrier in place to control traffic from Balmoral Avenue. It is noted that a sign is erected at the Balmoral Avenue entrance which advises 'No Entrance for Nursery Traffic' which provides a clear direction that the Balmoral Avenue access does not serve the nursery.
4.13	Environmental Matters (Drainage, Contamination, Noise, Air Quality)
	Drainage
4.13.1	The application is supported by a Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5.
4.13.2	An objection raised concerns that the proposed increased number of residents would place increased loading on the water and energy systems of the already large site. NI Water raise no objection to the proposed development and advise that there is available capacity at the Waste Water Treatment Works and that there is a public foul sewer, surface water sewer and water main within 20m of the proposed development boundary which can adequately service these proposals (subject to obtaining approval to connect from NI Water).
	Contamination
4.13.3	The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.

<p>4.13.4</p> <p>4.13.5</p> <p>4.13.6</p> <p>4.13.7</p> <p>4.13.8</p> <p>4.13.9</p>	<p>Noise</p> <p>A Noise Impact Assessment (NIA) was submitted with the application. Objections raised concerns regarding the impact of noise from additional traffic on No. 27 Balmoral Avenue and that the traffic will have a serious environmental impact on the residential four block of apartments leading from Balmoral Avenue and that the development would have serious environmental effects. Environmental Health has assessed the cumulative traffic movement noise impact and note that the Noise Impact Assessment submitted predicts that the cumulative noise impact associated with Plot 4 and approved Plots, 1,2, 4 and 5 using the new access road will not result in a significant increase in noise level associated traffic movements. Environmental Health highlight that the high existing noise level presented within the NIA at existing receptors including the objector at 27 Balmoral Avenue is based on levels with the neighbouring property adjacent to No. 27 Balmoral Avenue having already been demolished and which was the subject of an earlier Phase 1 approval for the development site.</p> <p>Environmental Health notes that there is a current planning application for a proposed boundary wall to the side boundary of No. 27 Balmoral Avenue and hope that this application being approved would provide a significant degree of noise mitigation. The application referred to (LA04/2022/1803/F) has been approved and officers consider that taking account of EH comments the construction of the wall will provide a significant degree of noise mitigation at No. 27 Balmoral Avenue.</p> <p>Environmental Health has also considered the impact of ground floor commercial uses including noise from patrons using the associated outdoor seating and associated plant and advise that Planning Service should consider if it is acceptable that private amenity areas (balconies above) be exposed to noise levels associated with the use of the outdoor seating areas. Environmental Health also recommend that the use of the seating areas is restricted by condition to between 8am and 3pm Monday to Friday and 10.00 am to 3pm on Saturdays and Sundays. Officers consider that the proposed conditions restricting the use of the seating areas would minimise any noise impact on amenity areas/prospective occupants along the primary (north-eastern and north - western) elevations. In addition, there is a significant communal amenity area to the rear of the building which occupants would benefit from along with an internal residents' lounge both offering a variety of alternative amenity provision for prospective occupants.</p> <p>Environmental Health recommend a number of conditions to mitigate noise impact which are set out below.</p> <p>Construction Impacts</p> <p>Environmental Health recommend a condition requiring the submission of a final Construction Environmental Management Plan (CEMP) prior to commencement of the development to control potential adverse effects associated with noise, dust and vibration during the construction phase of the development.</p> <p>Air Quality</p> <p>The application is supported by an Air Quality Impact Assessment (AQIA). Concerns were raised regarding the impact of pollution from additional traffic at No. 27 Balmoral Avenue. The AQIA has concluded that the impact of road vehicle exhaust emissions from the operation of the proposed development on local air quality is predicted to be not significant. Environmental Health has reviewed the AQIA and concludes that estimated transport emissions, as a result of the proposed development, are likely to have a negligible impact on nitrogen dioxide and particulate matter concentrations in</p>
---	---

	the local area and therefore has no objection on Air Quality grounds subject to a condition regarding the installation of combustion plant.
4.14	Developer Obligations
4.14.1	Para 5.69 of the SPPS states that ' <i>Planning authorities can require developers to bear the costs of work required to facilitate their development proposals.</i> ' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
4.14.2	Green Travel Measures in the form of a travel card for each apartment for a period of 3 years and provision of discounted membership of a car club (50%) for a period of 3 years are proposed to support the proposed development. In addition, the management of the communal open space areas will be secured via the Section 76 Agreement.
4.14.3	The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement and complies with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.
Neighbour Notification Checked Yes	
<p>Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations including the objections and the extant permission on the site for a similar scaled development, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure green travel measures and management of open space.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and any other issues which might arise.</p>	
<p>Draft Conditions:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No external finishes shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>3. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the commercial units hereby</p>	

approved shall not be used other than for Classes A1 and A2 of the Planning (Use Classes) Order (Northern Ireland) 2015 and shall not be used for any other purpose without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Local Development Plan and relevant material considerations.

4. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a landscape management and maintenance plan shall be submitted to and approved in writing by the Council. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:
 - a) A statement of the overall design vision for landscaping scheme.
 - b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
 - c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
 - d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).

The development shall be carried out in accordance with the approved details.

Reason: Required to ensure that future landscaping within the site is satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area.

5. All landscaping works shall be carried out in accordance with the approved details on Drawing No. 15B – Landscape Plan published by the Council on 27. 10.2022. The works shall be carried out prior to the completion of the development 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 trees or planting indicated on the approved drawings 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 (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. 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 of existing trees to be retained.

8. Prior to installation, the final window schedule shall be submitted to and agreed in writing by the Council. The final window schedule shall detail the glazing configuration and associated sound reduction performance for the windows proposed to habitable rooms on all facades and floors of the hereby permitted development. The final window schedule shall be in line with the sound reduction performance deemed necessary in section 5.1.1 of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4). The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

9. Prior to installation, confirmation of the specification of alternative means of ventilation shall be submitted to and agreed in writing by the Council. The specification shall be in line with the specification deemed necessary within section 5.1.2 of Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4). The specification submitted shall demonstrate that the system, if mechanical and when operating in standard operating duty, and/or where acoustically attenuated vents are to be installed and in the open position, will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

10. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: Protection of residential amenity.

11. Prior to occupation of the hereby permitted development, the developer 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.

Reason: Protection of residential amenity.

12. Prior to occupation of the hereby approved development, the separating floor between ground floor commercial units and first floor residential units shall be constructed in line with or equivalent to the details presented in section 5.1.3 and appendix A of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4).

Reason: Protection of residential amenity.

13. Prior to operation of any plant and equipment associated with the ground floor commercial units, the plant room to the hereby approved development shall incorporate the mitigation measures identified in section 5.1.4 of the Irwin Carr letter dated 23rd February 2023 referenced Lt 001N 2021256 (King's Hall – plot 4).

Reason: Protection of residential amenity.

14. The ground floor commercial units shall not operate outside of the hours of 07:00hrs to 23:00hrs Monday to Saturday or outside of 09:00 to 22:00hrs on a Sunday.

Reason: Protection of residential amenity.

15. No deliveries to or commercial collections from the hereby approved commercial units shall take place outside of the hours of 07:00 to 23:00hrs Monday to Friday or outside of the hours of 10:00-22:00hrs on a Saturday or Sunday.

Reason: Protection of residential amenity.

16. The external seated area to the front of the ground floor commercial units shall only be permitted for use between the following hours:

- Between 08:00 - 15:00hrs Monday to Friday;
- Between 10:00 – 15:00hrs on a Saturday;
- Between 10:00 – 15:00hrs on a Sunday.

Reason: Protection of residential amenity.

17. Prior to commencement of development on site, including demolition, site clearance or site preparation, a final Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall include measures to control noise, dust and vibration during the demolition / construction phase, demonstrating the use of 'best practicable means'. The CEMP shall demonstrate that dust, noise, and vibration levels will not have an adverse impact on nearby premises (including commercial premises).

The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration. Dust management measures should be identified and implemented in accordance with the IAQM *Guidance on the Assessment of Dust from Demolition and Construction* dated February 2014 version 1.1. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection against adverse construction impacts.

18. In the event that centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant human receptor locations as per the indicative criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), a revised Air Quality Impact Assessment shall be submitted to and approved in writing by the Council prior to the installation of the combustion plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights and it must demonstrate that there will be no exceedances of UK Air Quality Strategy objectives, associated with the proposed development, at relevant human receptor locations. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of human health.

19. 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 Brownfield Development Services report entitled 'Contaminated Land Risk Assessment, Plot 4 at the King's Hall Site, Belfast, BT9 6GW, Client: KH Residential Ltd, Report Reference: 59716-27, Report Date: January 2022' have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with plant uptake). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification

Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) All soft landscaped areas have been capped with at least 0.5m of soils that are demonstrably suitable for a residential with plant uptake end use.
- b) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been installed within the entirety of the proposed development (Type B). In accordance with BS 8485:2015+A1:2019, these gas protection measures must provide a score of 3.5 and be verified in accordance with CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

- 20. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks or risks to environmental receptors being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and the protection of environmental receptors to ensure the site is suitable for use.

- 21. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing by the Council.

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

- 22. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

- 23. No residential dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan Drawing No. 02C – Proposed Site Plan (published by the Council on 27.10.22). These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

- 24. No part of the commercial development hereby permitted shall become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking and traffic circulation 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 in connection with the approved development. The parking shall be made freely available without charge to all visitors.

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

25. The development shall operate in accordance with the Service Management Plan (published by the Council 31.08.22).

Reason: In the interests of road safety and the convenience of road users.

26. The development shall operate in accordance with the Travel Plan Rev C (published by the Council on 23.09.22).

Reason: To encourage alternative modes of transport to the private car.

Notification to Department (if relevant): Not Required

Date of Notification to Department:

Response of Department:

Representations from Elected Members: None

ANNEX	
Date Valid	22nd March 2022
Date First Advertised	1st April 2022
Date Last Advertised	28th October 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 13 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 15 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 17 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 19 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 2 Malone Park Lane, Belfast, Antrim, BT9 6NQ The Owner/Occupier, 21 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 23 Harberton Crescent, Belfast The Owner/Occupier, 23 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 25 Harberton Crescent, Belfast Gavin Gilbride, 25 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 27 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 27 Harberton Crescent, Belfast The Owner/Occupier, 29 Harberton Crescent, Belfast The Owner/Occupier, 3 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 31 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 4 Malone Park Lane, Belfast, Antrim, BT9 6NQ The Owner/Occupier, 5 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 6 Balmoral Avenue, Belfast, Antrim, BT9 6NW The Owner/Occupier, 7 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, 9 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW The Owner/Occupier, Apartment 1, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 10, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 11, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 12, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 13, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 14, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 15, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 16, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 17, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 18, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim, The Owner/Occupier, Apartment 19, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,	

The Owner/Occupier, Apartment 2, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 20, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 21, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 22, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 23, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 24, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 25, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 26, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 27, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 28, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 29, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 3, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 30, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 31, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 32, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 4, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 5, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 6, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 7, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 8, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Apartment 9, Harberton Hall, 23a Harberton Park, Malone Upper, Belfast, Antrim,
 The Owner/Occupier, Dataworks, King's Hall Complex, Lisburn Road, Belfast
 The Owner/Occupier, Malone Kindergarten, Kings Hall Complex, Lisburn Road, Belfast.
 The Owner/Occupier, Apartment 1, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 2, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 3, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 4, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 5, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 6, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 7, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 8, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 9, King's Hall Lane, Belfast, BT9 6PS
 The Owner/Occupier, Apartment 10, King's Hall Lane, Belfast, BT9 6PS

The Owner/Occupier, Apartment 11, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 12, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 13, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 14, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 15, King's Hall Lane, Belfast, BT9 6PS The Owner/Occupier, Apartment 16, King's Hall Lane, Belfast, BT9 6PS	
Date of Last Neighbour Notification	22 nd December 2022
Date of EIA Determination	24th March 2022
ES Requested	No
Drawing Numbers and Title 01 – Site Location Plan 02C – Proposed Site Plan 03B – Ground Floor Plan 04A – First Floor Plan 05A – Second Floor Plan 06A – Third Floor Plan 07A – Elevations 01 and 02 08A – Elevations 03, 04 and 05 09A – Elevations 06-10 10A – Sections A-A, B-B, C-C and D-D 11A – Roof Plan 13A – Contextual Sections 14 - Proposed Cycle Store 15B – Landscape Plan 16B – Proposed Site Block Plan 17A – Contextual Sections 18 – Autotracks Refuse Vehicle Plan 19 – Autotracks Fire Tender Plan 20A – Plot 4 Proposed Road Layout	