

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11th December 2018	
Application ID: LA04/2018/0040/F	
Proposal: 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 café). 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	Location: 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
Referral Route: Major planning application	
Recommendation:	Approve subject to conditions
Applicant Name and Address: Benmore Octopus Healthcare Developments (HK) Ltd Rushmere House 46 Cadogan Park Belfast BT9 6HH	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>This application seeks the demolition of No. 29 Balmoral Avenue and buildings adjacent to and surrounding the listed Kings Hall. It is proposed to restore and refurbish the Kings Hall building, create new floorspace within and construct a two storey side extension to facilitate a primary healthcare centre. The proposal also seeks the alteration of the Balmoral Avenue access, a repositioned main access onto the Lisburn Road, an internal access road, surface level car parks, public realm and landscaping works and associated works including boundary treatment.</p> <p>This application is accompanied by two related applications for the Kings Hall development (LA04/2018/0048/LBC and LA04/2018/0047/DCA).</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> • The principle of demolition • The principle of change of use and new development • The design, scale and massing of new development • The impact on the listed building • The impact on the setting of the listed building • The impact on the conservation area 	

- The impact on adjoining amenity

3 letters of support and 16 objections have been received.

Consultees are content with the proposal subject to conditions which are set out in the report.

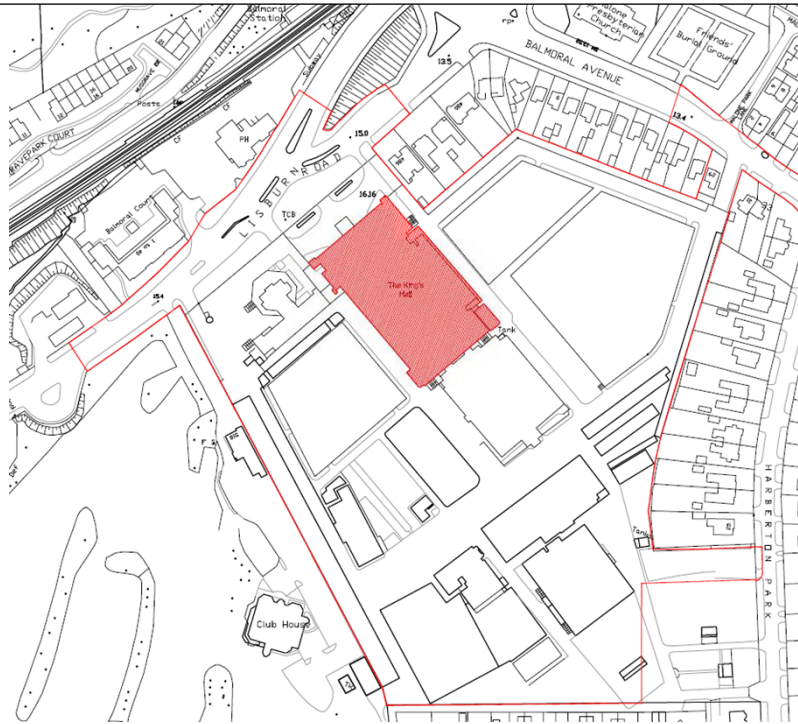
Recommendation

Having regard to the development plan context, relevant planning policies and other material considerations including the issues raised in the objections the proposed development is considered acceptable.

It is recommended that planning permission be granted with the final wording of conditions to be delegated to the Director of Planning and Building Control.

Case Officer Report

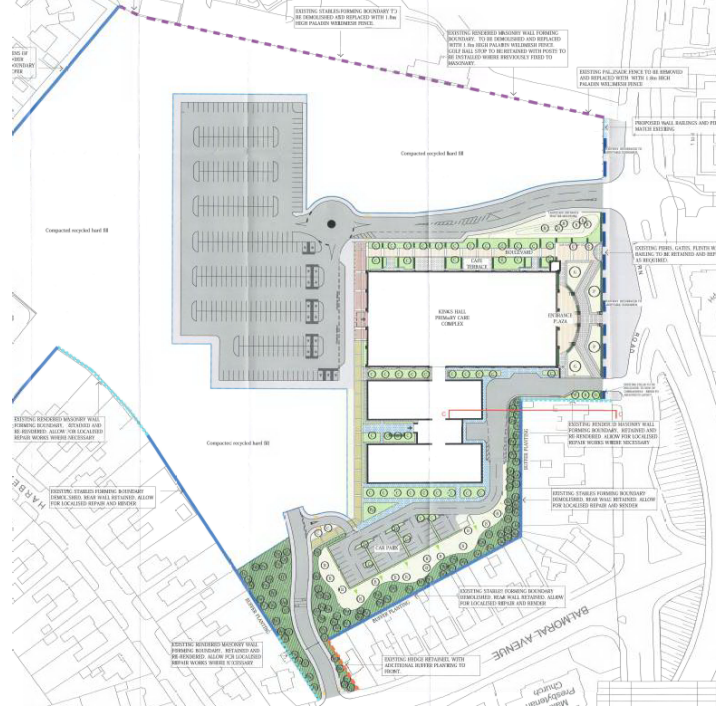
1.0 Site Location Plan



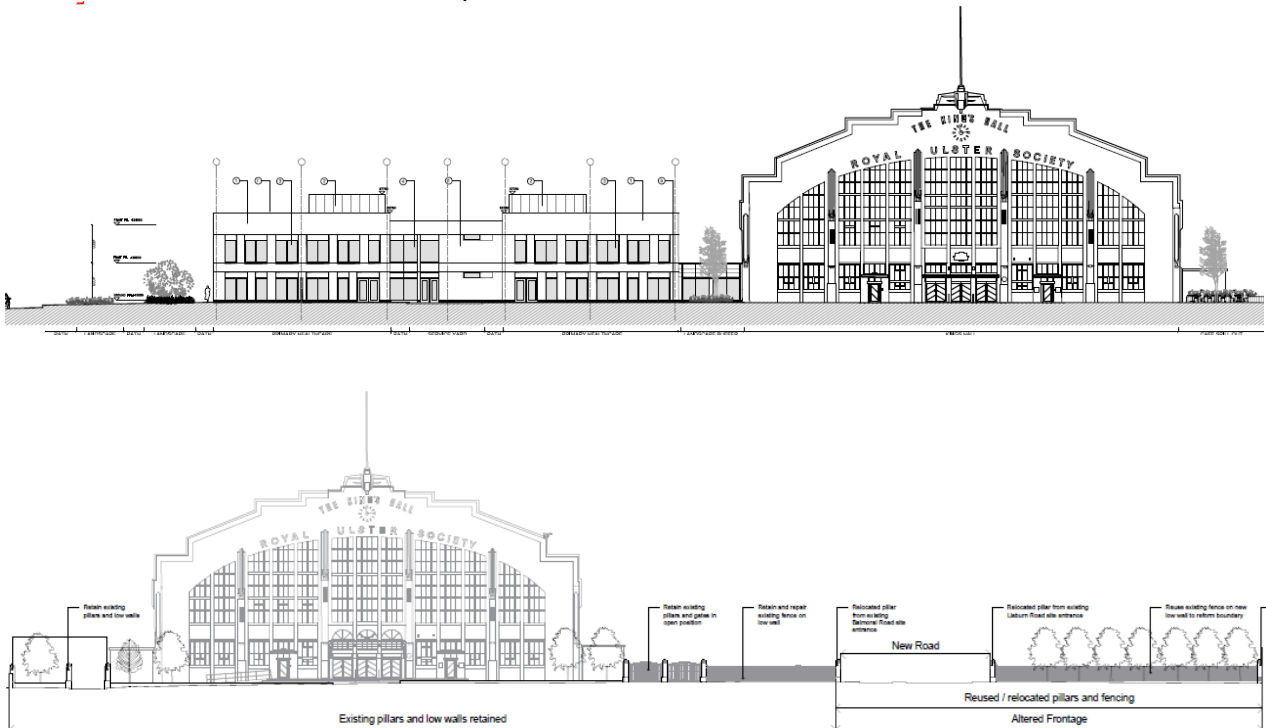
Proposed Demolitions (in red)



Proposed Layout



Proposed Lisburn Road Elevation

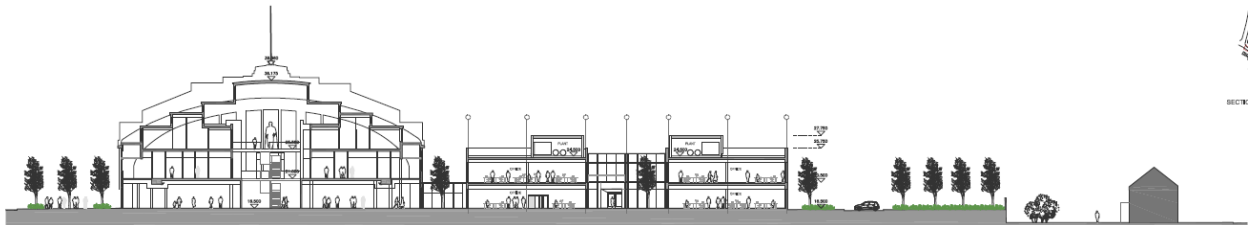
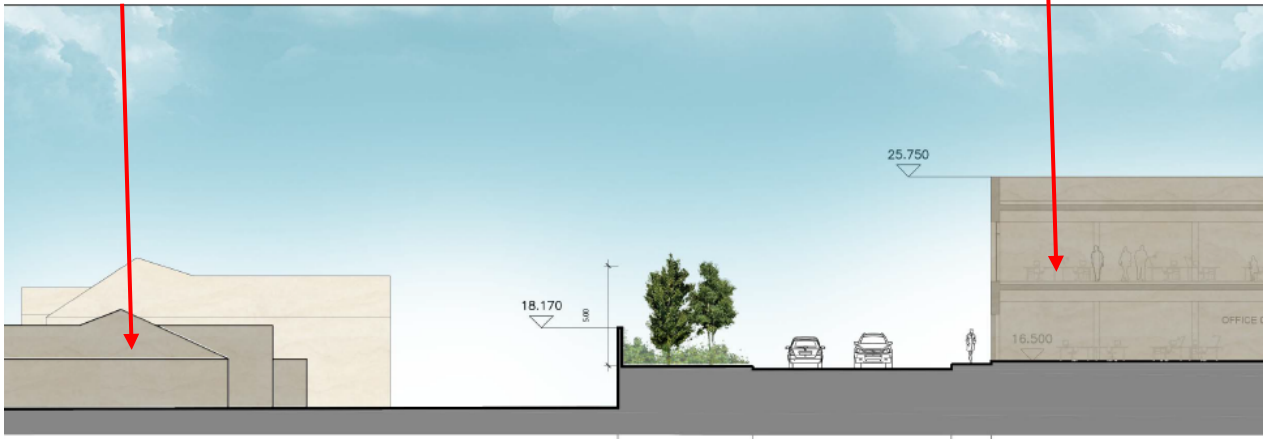




Lisburn Road Section

No. 486 Lisburn Road

Proposed 2 storey extension

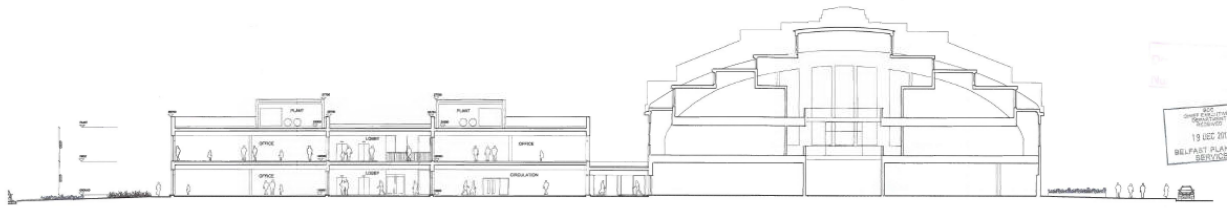


Balmoral Avenue Section

Proposed Ground Floor

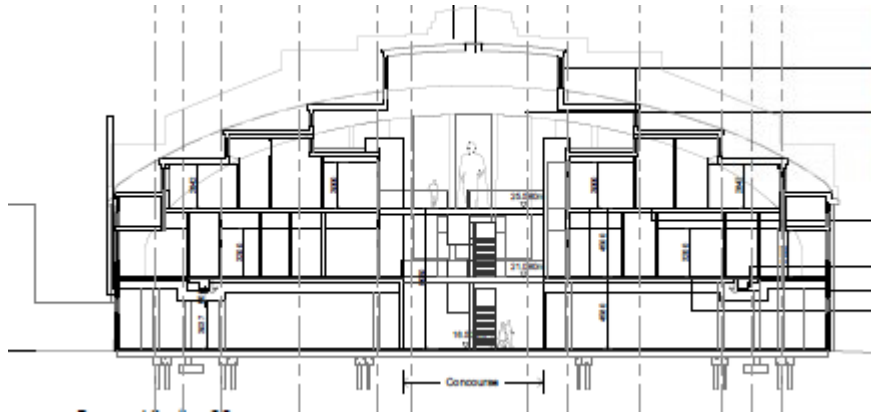


Proposed Sections

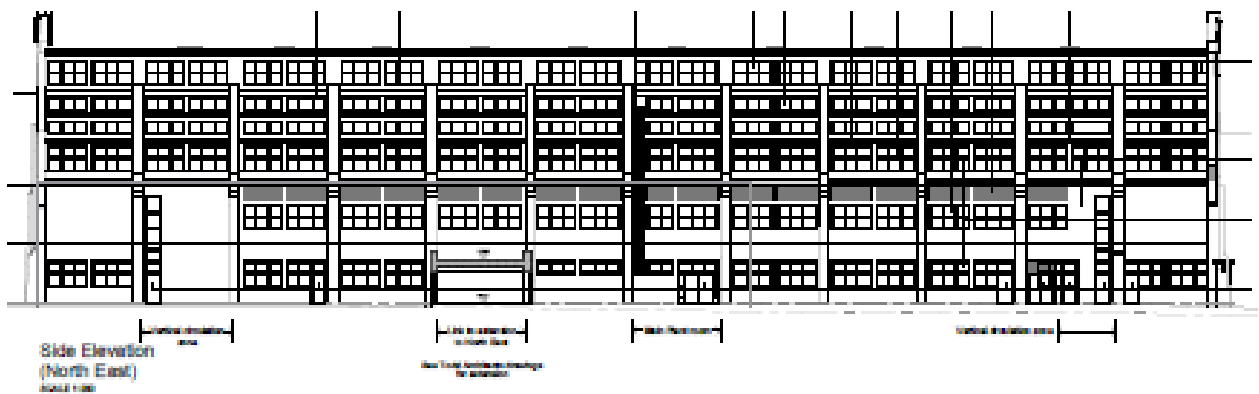


King George VI Statue (retained insitu)

Central Atrium



Proposed Side Elevation



Existing Photo



Proposed Illustrative Image



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	No objection subject to conditions
Statutory	DFI Roads - Hydebank	No objection subject to conditions
Statutory	Historic Environment Division (HED)	No objection subject to conditions
Statutory	NI Water - Strategic Applications	No Objection
Statutory	NIEA	No objection subject to conditions
Statutory	Rivers Agency	No objection
Non Statutory	Conservation Officer	Demolition of No. 29 Balmoral Ave contrary to Policy BH 14.

Representations:

Letters of Support	3
Letters of Objection	16

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>2.0 Summary of Issues</p> <p>The support letters raised the following issues:</p> <ul style="list-style-type: none"> • Proposed development of great benefit to residents • Supported by good road and public transport infrastructure • Demolition of 29 Balmoral Avenue will assist access and movement around the site • Proposal in keeping with targets in <i>the</i> Belfast Agenda • Listed conference hall building (Thrupenny Bit) should be preserved <p>The objections raised the following issues:</p> <ul style="list-style-type: none"> • Health facility is not required at this location/Proposals are not supported by a Health and Social Care Statement of need/HSC does not identify any future requirement for this facility • Demolition of 29 Balmoral Ave within Conservation Area – visual impact, impact on the character of the area • Access onto Balmoral Avenue - traffic should only be permitted in one direction i.e. left turn • Access via Lisburn Road (established access) only • Increase in traffic along Balmoral Ave will exacerbate congestion and result in further delays in traffic – proposal will erode character of established residential area • Impact on traffic cannot be properly addressed as adjoining housing development (Harberton Crescent) is incomplete • Development will lead to an increase in parking in adjoining streets in avoidance of car parking charges • Robust boundary treatment required along Golf Club boundary • Protection of ingress of golf balls required • Historic flooding in roads around Kings Hall - water and sewerage system inadequate to cope with the scheme • Detrimental impact on residential amenity including during construction period • Negative impact on living environment of local residents, value of properties • Concern regarding loss of trees – should be retained – loss will impact on residential amenity • Alternative sites available for such a facility • Application should be accompanied by an Environmental statement/in relation to the cumulative loss of historic architecture in the BCC Plan area. • Part of development includes retail – optimistic given vacant shops on Lisburn Road • Impact on the stability of properties adjacent • Concerns regarding overlooking/privacy into adjacent properties. • Concern regarding future potential for pedestrian access • Impact of repositioned access onto Lisburn Road on Park Royal apartments complex • Development of a private health care village is a political issue and will be opposed by NIPSA and other health unions/staff side organisations. • Proposal fails to satisfy Policy BH 10 of PPS 6/None of the required BH10 criteria have been applied • Assumed proposal was discussed at PAD stage – no alternative access proposal has been explored therefore it could be that no objection was raised by planners during the PAD. • DFI has failed to respond and Council has been advised that the application will proceed without their opinion. • Opinion to grant conservation area consent fails to apply established DCA policy which has been tested three times by the courts. 	

- Proposal does not contain sufficient detail to merit being treated as a full application, insufficient information on finished designs for the interiors particularly detailing on the new concrete structures. Application should be treated as an outline application.
- Exterior landscaping proposals not tailored to the specifics of the original design
- Phasing approach should not be applied to the planning process. RUAS site development should be determined by the Department as a single application.
- Concern regarding the delegation of conditions/variation of conditions to senior staff/legal

3.0 Characteristics of the Site and Area

3.1 The Kings Hall is a grade B1 listed building fronting onto Lisburn Road and has an art deco style front elevation with a stepped design feature and large glazed panels above first floor level to the front and rear. The building is currently painted pink with features highlighted in blue and has a clock face located on its front elevation. The building extends approximately 92 metres to the south east and abuts a large warehouse to the rear. The Kings Hall Conference Centre, built in the 1960s, sits to the immediate west of the listed building and both are connected by a 2 storey link. The front of the Conference centre is octagonal in shape and cantilevers at first floor level over surface level parking. To the immediate south and north-east of the Kings Hall listed building are areas of open space.

3.2 The front of the Kings Hall is characterised by a landscaped area within boundary railings which is defined by a low hedge, a small grassed area and paved area to the front of the listed building. Parking is available to the front and side of the Kings Hall Conference Hall. Beyond the listed Kings Hall site boundary is a wide irregular shaped pavement onto the Lisburn Road.

3.3 The site extends beyond the Kings Hall building to the rear of residential properties in Harberton Crescent and Harberton Park to the east and south and Balmoral golf club to the south west side. Residential properties abut the site to the north and east along the Lisburn Road, Balmoral Avenue and Harberton Park.

3.4 Single storey stable blocks are located along the northern and eastern perimeter of the site to the rear of adjacent dwellings at Nos. 480-486 Lisburn Road, 1-29 Balmoral Avenue and 5-19 Harberton Park. It is proposed to remove the stable blocks but retain the boundary wall to the rear of the above properties. The stable blocks are accessed by a road which bounds a paddock in the northern/eastern part of the site. Malone Kindergarten is currently located on the paddock and comprises two single storey wooden buildings.

3.5 A number of buildings are located to the south of the site which include a mix of warehouse/storage/administration buildings. A single storey building along the western boundary of the site abuts Balmoral Golf Club to the south west.

3.6 There are currently two access points from the Lisburn Road. The main access is adjacent to Balmoral Golf Club and the secondary access is adjacent to No. 486 Lisburn Road. There is also an existing access serving the site from Balmoral Avenue. There is a network of roads within the site and around the existing buildings which have historically provided access and servicing arrangements throughout the site. However some access points have been fenced off and access is currently restricted as the majority of the site is no longer in use.

3.7 There are no buildings in the southern eastern portion of the site which is laid out in hardstanding. A separate proposal for supported accommodation (32 apartments in total) to be accessed from Harberton Park (LA04/2017/1394/F) has been approved to the south east of the site.

3.8 The site is relatively level for the most part with a modest rise in levels along the eastern boundary towards Harberton Park. The southern boundary is defined by a close boarded timber fence to the rear of a recently constructed housing development at Harberton Crescent off Harberton Park.

3.9 Part of the site along Balmoral Avenue falls within the Malone Conservation Area and includes No. 29 Balmoral Avenue, a two storey dwelling with a single storey garage to the rear. The dwelling and garage built in the interwar period are proposed to be demolished to facilitate the widening of the existing Balmoral Avenue access.

4.0 Description of Proposal

4.1 The proposal seeks the 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 café). 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.

4.2 The proposal represents Phase 1 of the redevelopment of the wider Kings Hall site. A masterplan for the wider site is set out in the accompanying Design and Access Statement. There are currently no applications under consideration relating to the wider redevelopment of the site.

5.0 Planning Assessment of Policy and Other Material Considerations

5.1 Policy Context

Strategic Planning Policy statement for Northern Ireland (SPPS)

PPS 2 Nature Conservation

PPS 3 Access, Parking and Movement

PPS 6 Planning, Archaeology and the Built Heritage

PPS 15 Flood Risk

Development Plan Context

Belfast Urban Area Plan (BUAP)

Draft Belfast Metropolitan Area Plan (BMAP)

Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.

Within the BUAP the site is unzoned land within the development limit. In the Draft BMAP the site is also unzoned with a small portion along Balmoral Avenue identified as falling within the conservation area (Malone Conservation Area). In the version of BMAP purported to be adopted the site is also unzoned with a small portion along Balmoral Avenue identified as falling within the conservation area (Malone Conservation Area).

Other Material Considerations

A Design Guide for the Malone Conservation Area

5.2 Representations

3 letters of support and 16 objections have been received.

The issues raised in the letters of support are set out as follows:

- Proposed development of great benefit to residents
- Supported by good road and public transport infrastructure
- Demolition of 29 Balmoral Avenue will assist access and movement around the site
- Proposal in keeping with targets in Belfast Agenda

- Listed conference hall building should be preserved

The issues raised in the objections are set out as follows:

- Health facility is not required/Proposals are not supported by a Health and Social Care Statement of need - undermines Council assumption of wider public benefit in context of BH 10(c)
- HSC does not identify any future requirement for this facility
- Demolition of 29 Balmoral Ave within Conservation Area – visual impact, impact on the character of the area
- Access onto Balmoral Avenue - traffic should only be permitted in one direction i.e. left turn
- Access via Lisburn Road (established access) only
- Increase in traffic along Balmoral Ave will exacerbate congestion and result in further delays in traffic – proposal will erode character of established residential area
- Impact on traffic cannot be properly addressed as adjoining housing development incomplete
- Development will lead to an increase in parking in adjoining streets in avoidance of car parking charges
- Robust boundary treatment required along Golf Club boundary
- Protection of ingress of golf balls required
- Historic flooding in roads around Kings Hall - water and sewerage system inadequate to cope with the scheme
- Detrimental impact on residential amenity including during construction period
- Negative impact on living environment of local residents, value of properties
- Concern regarding loss of trees – should be retained – loss will impact on residential amenity
- Alternative sites available for such a facility
- Application should be accompanied by an Environmental statement
- Part of development includes retail – optimistic given vacant shops on Lisburn Road
- Impact on the stability of properties adjacent
- Concerns regarding overlooking/privacy into adjacent properties.
- Concern regarding future potential for pedestrian access
- Impact of repositioned access onto Lisburn Road on Park Royal apartments complex
- Development of a private health care village is a political issue and will be opposed by NIPSA and other health unions/staff side organisations.
- Proposal fails to satisfy Policy BH 10 of PPS 6/None of the required BH10 criteria have been applied
- Assumed proposal was discussed at PAD stage – no alternative access proposal has been explored therefore it could be that no objection was raised by planners during the PAD.
- DFI has failed to respond and Council has been advised that the application will proceed without their opinion.
- Application should be subject to an Environmental Impact Assessment in relation to the cumulative loss of historic architecture in the BCC Plan area.
- Opinion to grant conservation area consent fails to apply established DCA policy which has been tested three times by the courts.
- Proposal does not contain sufficient detail to merit being treated as a full application, insufficient information on finished designs for the interiors particularly detailing on the new concrete structures. Application should be treated as an outline application.
- Exterior landscaping proposals not tailored to the specifics of the original design
- Phasing approach should not be applied to the planning process. RUAS site development should be determined by the Department as a single application
- Concern regarding the delegation of conditions/variation of conditions to senior staff/legal

The issues raised in the objections received are considered in the assessment that follows.

5.3 Associated Planning Applications

The following accompanying applications which are assessed in separate reports:

LA04/2018/0047/DCA – Demolition of 29 Balmoral Avenue

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 King's Hall and relocation and restoration of existing railings and pillars to the front of King's Hall.

5.4 Recent Planning History

LA04/2015/0230/F - Retrospective development of modular buildings within the Kings Hall complex for use as a day care nursery for a temporary period of four years, Lands at Kings Hall Complex, Lisburn Road, Balmoral, Belfast. Permission granted 20/10/16.

The following condition was attached to the above permission:

The modular buildings for use as a day care nursery (crèche), hereby permitted, shall be removed on or before 4 years of the expiration of this permission and all surfaces to be made good.

Reason: To ensure a comprehensive redevelopment of the site at the Kings Hall Complex.

The permission granted for the nursey on site was of a temporary nature pending the redevelopment of the wider site. The permission for the nursery expires on 19/01/2020.

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), Land East of Harberton Park to the South of no 25 Harberton Park, Belfast. Planning permission granted 16/03/2018.

5.5 Proposed Change of Use

5.51 The proposal includes the change of use of the listed building from a previous exhibition hall/entertainment venue to a primary health care centre accommodating GP services with supporting services and an ancillary retail unit and café. The site is not zoned in the BUAP or Draft BMAP and the proposed health care use does not conflict with the development plan or planning policy and is acceptable.

5.52 Objections raised concerns that there was no need demonstrated for such a health facility at this location. However the applicant is not required to demonstrate a need in planning terms for this proposal. The application highlights a level of commitment to deliver this development. The applicant has stated that detailed discussions have taken place with a number of GP practices and several have submitted a business case to relocate to the Kings Hall to the Health and Social Care Board (HSCB). HSCB have responded and confirmed their support subject to funding being available. Subject to agreement of a financial package the applicant is hopeful that the facility will open in 2021. The applicant has highlighted that communities will benefit from an improvement in the way GP services are delivered and that a number of existing GP practices in south Belfast operate in premises that are significantly smaller than the recommended standard and the proposal will address this issue.

5.53 One of the core principles of the SPPS is to improve health and well-being of citizens in Northern Ireland. In this regard the planning system has a role to play in helping to better the lives of people and communities in Northern Ireland. The proposals will seek to develop a one stop shop/multi-purpose health facility incorporating doctors' surgeries, support services and an on-site ancillary uses such as a pharmacy and cafe which will improve delivery of health services to the local area and therefore benefit the local community. The applicant has stated that the proposed

development will provide the opportunity to deliver Primary Healthcare Services in a better way as envisaged in the Bengoa Report which set out a 10 year plan for transforming health care in Northern Ireland.

5.54 The proposed change of use will also ensure a new and viable use within the building and will secure the ongoing upkeep and maintenance of this listed building which is currently vacant. The ancillary services, retail unit capable of accommodating for example a pharmacy and café uses, will support the main use and are considered acceptable. Flue details will be required should the café propose to serve hot food and a condition is set out below to deal with this issue. Objections raised concerns regarding the proposed retail use and highlighted existing vacancy along the Lisburn Road. The impact of the proposed ancillary retail element on the retail units along the Lisburn Road is not considered significant given its size and its intended purpose to support the main use of the development.

5.55 The change of use will result in physical insertions, adaptations and alterations to the Kings Hall Listed building which are assessed below. HED consider the proposals to reuse and conserve the listed King's Hall acceptable in principle. The proposal complies with the SPPS and Policy BH 7 (Change of Use to a Listed Building) of PPS 6.

5.6 Principle of Demolition

5.6.1 No.29 Balmoral Avenue is proposed to be demolished to facilitate widening of the Balmoral Avenue access into the site. A separate associated Conservation Area Consent application (LA04/2018/0047/DCA) has been received and further consideration of the demolition of No. 29 is set out below under the heading '*Impact on the Conservation Area*'.

5.6.2 It is also proposed to remove extensions to the Kings Hall which are later additions to the original building. These later additions include the adjoining conference centre known as the Thrupenny Bit, buildings attached to the rear, a front porch, a single and two storey side extension which runs along the length of the building to the east and a single storey extension to the south west. These extensions do not display any features of architectural merit and are of no historic value. HED is content with the removal of the later additions to the Hall. The demolition of these additions and No. 29 Balmoral Avenue will not adversely impact on the retained listed building or its setting.

5.6.3 All other non-listed buildings within the site boundary are also proposed to be demolished. These include warehouse/storage/administration buildings, a single storey building along the south western boundary of the site abutting Balmoral Golf Club, a single storey wooden building occupied by Malone Kindergarden and former stables along the perimeter of the site and to the rear of dwellings on Balmoral Avenue, Lisburn Road and Harberton Park which are considered to be of no architectural or historic merit. Whilst the former single storey stable blocks within the site and along the perimeter are proposed to be removed their supporting perimeter wall to the rear of properties 1-27 Balmoral Avenue, 480-486 Lisburn Road and 5-19 Harberton Park and a small portion to the side of 31 Balmoral Avenue is to be retained and repaired and re-rendered where necessary. A statement has been submitted setting out the methodology for demolition of the stables and retention of the perimeter wall which is considered acceptable. A condition is set out to secure the retention of the rear stable walls.

5.7 Impact on the Conservation Area

5.7.1 A small portion of the site sits within the Malone Conservation Area (sub Areas Lisburn Road and Balmoral/Harberton/Shrewsbury). The demolition of No. 29 Balmoral Avenue is proposed to improve/upgrade the access point for vehicles accessing the site from Balmoral Avenue. The two storey dwelling features a gable front bay feature with a timber porch canopy constructed in the interwar period and is considered to make a material contribution to the character and appearance of the conservation area. The Conservation officer considers that the loss of dwelling will not preserve or enhance the conservation area and the proposal fails to meet Policy BH 14. The

conservation officer also states that should consideration of the associated planning application LA04/2018/0040/F identify clear and substantial benefits for the wider community, these should be balanced against the stated position to determine whether policy exception can be applied.

5.7.2 Policy BH 14 of PPS 6 states that demolition of an unlisted building in a conservation area will normally only be permitted where the building makes no material contribution to the character and appearance of the area. In this case the building makes a material contribution to the character and appearance of the conservation area. Policy BH 14 states that in determining proposals for demolition of unlisted buildings account of the part played in the architectural or historic interest of the area by the building and the wider effects of demolition on the building's surrounding and on the conservation area as a whole. In assessing proposals regard shall be had for the same broad criteria for the demolition of listed buildings as set out in paragraph 6.5 and Policy BH 10 of PPS 6.

5.7.3 In assessing the architectural/historic interest of the building it is acknowledged that whilst the building displays a number of architectural features these are not unique to the building and are found in other dwellings in the immediate area built in the interwar period. In relation to the wider effects of the loss of the building on the building's surroundings and on the conservation area it is acknowledged that there is currently a visual gap between Nos. 29 and No. 31 Balmoral Avenue to facilitate the existing access route to the Kings Hall Site. The existence of gaps between dwellings fronting Balmoral Avenue is not unusual as there are a number of roads leading to/from it (e.g. Harberton Park, Malone Park Lane and Balmoral Gardens) in close proximity. It is considered that the loss of the dwelling will not create an unacceptable visual gap between the adjoining dwellings (No. 27 and 31). Enhanced boundary treatments in the form of buffer planting to the edge of the proposed widened access road are proposed and existing boundary treatments adjacent to No. 27 and 31 Balmoral Avenue are to be retained and improved which will serve to enhance the character and appearance of the conservation area at this location. The impact on the Malone Conservation Area as a whole is considered not significant.

5.7.4 Policy BH 14 directs that the broad criteria set out in Policy BH 10 (Demolition of a listed Building) and paragraph 6.5 requires to be applied to this proposal. The first criterion of Policy BH 10 relates to the condition of the building, the cost of repairing and maintaining and then the value derived from its continued use. The second criterion is the adequacy of efforts made to retain the building in use. No supporting evidence has been received regarding these two criteria. The building appears to be in a reasonable condition however its retention would result in an impediment to the redevelopment of the Kings Hall Phase 1 and the wider development of the site. The third criterion of Policy BH14 is the merits of alternative proposals for the site. The policy states that there may very exceptionally be cases where the proposed works would bring substantial benefits for the community, which have to be weighed against the arguments in favour of preservation. This is further considered below at paragraph 5.7.7 and 5.7.8 in association with the fourth criterion of paragraph 6.6 of PPS 6.

5.7.5 The first criterion of paragraph 6.5 relates to the importance of the building, its intrinsic and historic interest and rarity in the context of Northern Ireland and in local terms. The 'A Design Guide for the Malone Conservation Area' states that '*A number of Inter-War houses at 1-29 Balmoral Avenue (11926-28) have retained their segmental timber porch canopies decorated with dentils and supported on large timber brackets.* As indicated above the building is one of 15 dwellings built in the inter war period which have similar styles and features of architectural merit. However, No. 29 it is not one of a kind or unique to the area or Northern Ireland and therefore its demolition does not conflict with this first criterion.

5.7.6 The second criterion of paragraph 6.5 relates to the particular physical features of the building. The dwelling does display architectural features such as a gable front bay with a timber porch canopy and but as indicated above the dwelling and its architectural style is not unique.

5.7.7 The third criterion of paragraph 6.5 relates to the building's setting and contribution to the local scene. Whilst the building shares similar design/architectural features to other dwellings adjacent along Balmoral Avenue as assessed above at paragraph 5.7.3 the buildings sits beside an existing access and there is an existing gap between No. 29 and No. 31. Widening of this gap will not create an unacceptable visual gap between the adjoining dwellings (No. 27 and 31).

5.7.7 The fourth criterion of paragraph 6.5 relates to the extent to which the proposed works would bring about substantial community benefits for the community in particular by contributing to economic regeneration of the area or the enhancement of its environment including listed buildings. In this case it is considered that the demolition of the dwelling will facilitate improved access onto Balmoral Avenue and when considered in the context of the wider proposed development will enable substantial benefits for the community.

5.7.8 In this regard the community benefits: provision of a one stop healthcare facility with associated support services on one site; the restoration and reuse of the listed Kings Hall Building which has been vacant for some time, securing its ongoing upkeep and maintenance; and associated environmental and access improvements are considered on balance to outweigh the loss of No. 29 Balmoral Avenue and as such its proposed demolition is considered exceptional and acceptable. On balance, it is considered that the demolition of No.29 Balmoral complies with Policies BH14 and BH 10 and paragraph 6.5 of PPS 6.

5.7.9 The SPPS published after PPS 6 states that, *'in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest'*.

5.7.10 It is considered that the proposed environmental enhancements provide the opportunity to enhance the character and appearance of the area and the substantial community benefits attributable to the wider development as set out above in paragraph 5.7.8 are grounded in the public interest and outweigh the loss of No. 29 Balmoral Avenue. These circumstances are considered exceptional and as such the proposal does not conflict with SPPS.

5.8 Impact on the Listed Building and the Setting of the Listed Building

5.8.1 The demolition of the non-listed buildings within the site as considered above will not have an adverse impact on the setting of the Kings Hall listed building. HED is content with the removal of the later additions to the Kings Hall and raise no objection to the loss of the other buildings on the site.

5.8.2 The proposed two storey side extension to the Kings Hall comprises a 9.4m high building with a flat roof which sits below the eaves height of the Kings Hall (13.2m). Roof plant will be located on part of the extension and will be surrounded by a plant screen which will sit 2m above roof level.

5.8.3 The scale of the extension is subservient to the listed building and is set back 36.5m from the front of the Kings Hall. The design of the two storey extension is simplistic in form and comprises an 'H' shaped layout with two linear elements linked by a smaller middle block. A single storey glazed 4.1m high link is proposed between the Kings Hall and the new two storey extension with a separation of 7m between these elements. The link is set back 17m from the front of the extension and 53.5m from the front of the Kings Hall. HED is content with the scale, height, form and massing of the proposed extension subject to the provision of additional detail which is set out

in the conditions below. The applicant will be required to discharge such conditions which will be subject to detailed consideration by Planning Service and HED.

5.8.4 The existing interior of the King's Hall comprises a large volume space with curved structural concrete ribs and a full gallery at first floor level with an upper balcony above. The building contains a plaster statue of King George VI located within a recess in the rear wall which was installed in 1937. The statue will be retained in situ.

5.8.5 It is proposed to insert reversible infill floors within the original King's Hall building at first and second floor levels facilitating accommodation for the health care facility. The scheme allows the majority of the original gallery to be retained within the new structure. The internal space will be appreciated visually from the full height concourse. A structural bay at either end of the hall is to be left free from insertions to allow the full width of the hall to be appreciated. The curved structural ribs will also be visible at the end bays. HED is content in principle with the scheme but require further information to ensure the detailed design of the new insertions, and the junctions between the new insertions and the retained historic fabric is sympathetic and acceptable and have recommended appropriate conditions as set out below. The applicant will be required to discharge such conditions which will be subject to detailed consideration by Planning Service and HED.

5.8.6 The floor insertions will be setback from the front and rear gable walls and together with the central atrium will allow appreciation of the characteristics of the listed building including the volume of space and the statue of King George VI. The roof will be repaired and altered and new roof lights inserted. HED are satisfied that proposals to restore the roof form close to its original design are acceptable.

5.8.7 HED considers the proposals maintain enough of the original character of the building to represent the essential character of the internal space and any negative impact arising from the introduction of new accommodation is offset by achieving a sustainable use for the building, as well as the substantial planning gain of reinstatement of the historic roof in a modern expression.

5.8.8 The exterior of the Kings Hall building will be restored and repainted to the original white colour. Proposed finishes of the extension include white painted rendered walls, powder coated aluminium windows, doors and curtain walling, and anthracite grey aluminium copings. New windows are proposed to be installed at ground, first and second (roof) floor levels to the King's Hall building to allow adequate natural light into the new internal accommodation.

5.8.9 The materials proposed in the extension are contemporary in nature and will complement the proposed white colour of the Kings Hall and are considered acceptable. The proposed finishes, restoration of the exterior and elevation changes to the original King's Hall building will not adversely impact on the character of the listed building rather will significantly improve its appearance. The proposal complies with Policy BH 8 (Extension or Alteration of a listed building) of PPS 6.

5.8.10 The proposed two storey extension as described above is subservient and given its scale, height, massing and setback will not adversely impact on the setting of the listed building but will allow views of the iconic listed King's Hall building to dominate.

5.8.11 The proposal includes the partial removal of the boundary wall and railings along the Lisburn Road frontage to accommodate the new access from Lisburn Road and the relocation and restoration of pillars, one from the existing Lisburn Road access and one from the Balmoral Avenue access to flank each side of the new main access onto the Lisburn Road. The proposed environmental improvement works to the front of the buildings include a new entrance plaza comprising of footpaths and grassed areas with new planting. In addition the developer has agreed to provide additional public realm improvements outside the site along the Lisburn Road frontage. The proposed public realm proposals will significantly enhance the setting of the Kings Hall.

5.8.13 Following the demolition of the buildings to the rear of the Kings Hall the area is proposed to be finished in hardstanding as an interim measure until such times as development of the remainder of the site is brought forward. This is considered acceptable and will not have a negative impact on the setting of the listed building. The proposal complies with Policy BH11 (development affecting the Setting of a Listed Building).

5.9 Impact on Adjoining Amenity

5.9.1 Concerns were raised that the proposal would have a negative impact on the living environment of local residents and a detrimental impact on residential amenity including during construction with regard to overlooking and loss of privacy. The proposed two storey extension is 9.4m high and is 31m from the boundary of nearest residential property along Balmoral Avenue and 18.5m from the boundary of the nearest property on the Lisburn Road. The ground level of the adjoining properties along the Lisburn Road and Balmoral Avenue are lower than the proposed ground level of the site by 1.8m-2m however the height of the proposed two storey extension which is comparable to an average two storey dwelling along with the adequate separation distance and the proposed landscaping (see details below) will ensure that there is no detrimental impact on the amenity of adjoining properties by way of overlooking or loss of privacy. A condition is set out below requiring the submission of a Construction and Demolition Plan which will be required to identify mitigation measures to control any adverse impacts arising during the construction and demolition phase.

5.9.2 Concerns were also raised regarding the future potential of a pedestrian access from the adjoining residential streets. This development does not propose a pedestrian access from Harberton Park.

5.10 Landscaping/Public Realm Works/Boundary Treatment

5.10.1 A landscape plan has been submitted for the Phase 1 redevelopment. It is proposed to remove existing trees to facilitate the new two storey extension and repositioning of the main access to/from the Lisburn Road. There are also a number of existing trees to the front of the Kings Hall one of which is diseased which will be replaced. Concerns were raised regarding the loss of existing trees and the impact on the amenity of adjoining residents who have benefited from existing trees on the site. However the landscaping scheme proposes to replace the existing trees and provide additional planting with approximately 170 trees proposed along with buffer planting and shrub/herbaceous planting. The majority of planting is proposed along the perimeter of the small car park/access from Balmoral Avenue and will serve to provide a suitable landscape buffer between the existing residential properties on Balmoral Avenue and Lisburn Road ensuring that the adjoining residents continue to benefit from the amenity value of the landscape features within the site whilst protecting their amenity. HED require a landscaping plan in the spirit of the original layout of the Kings Hall to the front of the building and recommend a condition as set out below.

5.10.2 Public realm works are proposed around the front, sides and rear of the Kings Hall and will include the implementation of a 'Boulevard' leading from the main pedestrian access (Lisburn Road) along the side of the building. A landscape mound feature at the entrance of the site from Lisburn Road along with tree and shrub planting and the public realm works will enhance the main route into the site.

5.10.3 In addition the developer has agreed to implement extended public realm improvement works beyond the Kings Hall site along the frontage of the site comprising an upgrading of the existing irregular shaped footpath along the Lisburn Road frontage. These proposed works are within the red line boundary of the application site therefore they can be appropriately secured through a planning condition as set out below.

5.10.4 The environmental improvement works referred to above will significantly enhance the setting of the Kings Hall listed building.

5.10.5 The applicant has proposed a new 1.8m high paladin fence along the southern boundary of the site abutting the adjoining golf Club. The existing ball stop is to be retained supported with a post(s) where it was previously fixed to masonry which will protect against the ingress of golf balls. Temporary timber hoarding is proposed to be erected around the Phase 1 development, i.e. around the new access road and car park and to the rear of the Kings Hall extension, pending redevelopment of the remainder of the site. The area beyond Phase 1 will be finished in a compacted recycled hard fill. The rear wall of the stables will be retained as indicated above and will define the boundary between the site and adjoining dwellings on the Lisburn Road, Balmoral Avenue and Harberton Park being repaired and re-rendered where necessary.

5.11 Phasing of Development/Masterplan

5.11.1 A proposed masterplan for the wider site is set out in the accompanying Design and Access Statement which will be subject to further consideration as proposals for the remainder of the site come forward. At present there are no proposals submitted for redevelopment of the wider site. Concerns have been raised that the phased determinations are not appropriate for this large site. Officers advise that each application must be judged on its own merits. The phased approach to development of the site is considered appropriate due to the size and scale of the site. The current application relates to Phase 1 of the development of the site and is considered a stand-alone major application in its own right which will not prejudice the redevelopment of the remainder of the site. It is appropriate that the restoration of the only listed building on the site is secured as a first phase and its upkeep secured in advance of other development proposals on the site. The first phase will also establish the infrastructure arrangements which will serve the wider redevelopment of the site.

5.12 Parking, Access and Servicing Arrangements

5.12.1 The development will be serviced via the existing access points on Balmoral Avenue and Lisburn Road adjacent to No. 486. A new access is proposed to replace the main Lisburn Road Access which will be in the form of a signalised junction which will facilitate the creation of a separate access from the existing golf club access and include a new right hand turning lane (city bound) and a new controlled pedestrian crossing. As indicated above the existing access onto Balmoral Avenue is proposed to be widened which requires the removal of No. 29 Balmoral Avenue. The existing secondary access to/from Lisburn Road (adjacent to No. 486) will be controlled by a barrier to restrict access. Car parking management arrangements are proposed at this access limiting users to staff/servicing and a condition restricting the use of this access is recommended as set out below.

5.12.2 Two car parks are proposed to serve the development. It is proposed that staff of the proposed medical facility will use the car park located to the north-east of the Kings Hall building. This car park makes provision for 40 parking spaces. A separate temporary surface level car park is proposed for all other users to be located to the rear of the Kings Hall pending development of a purpose built multi-storey car park serving the proposed development and the development of the wider site. The temporary (surface level) car park makes provision for 322 parking spaces including 17 spaces for disabled drivers. The level of car parking is considered satisfactory and complies with planning policy requirements.

5.12.3 A Transport Assessment (TA) was submitted in May 2018 and the assessment undertaken identified a low impact on the surrounding area. The TA confirms that the proposed access routes do not allow for through traffic of vehicles from the Lisburn Road to Balmoral Avenue. The Balmoral/Stockman's Lane/Lisburn Road junction currently operates at capacity. Traffic generated by the development will be multi-modal and less dependent on car borne trips compared with other land uses if accessible sustainable alternatives are available. Such sustainable alternatives include use of public transport (bus/train), cycling and walking. The assessment carried out shows that surrounding roads beyond the accesses will not experience impacts above 10% by this proposal. Furthermore, junction modelling carried out indicates that the Balmoral

Avenue/Harberton Park junction will be impacted by the proposed development but will function within capacity in the proposed 2034 proposed scenario. Modelling for the Balmoral Avenue/Site Access shows that queues and delays will be greater than that generated by the existing base flow however this is due to the low flow at this junction. This junction will still function within capacity with the addition of the proposed traffic.

5.12.4 A Travel Plan has also been submitted outlining proposals for sustainable transport modes such as cycling, walking and public transport. It is proposed that a travel co-ordinator will be appointed to delegate staff car parking and promote usage of sustainable modes of transport including use of the nearby train station, bus services, cycling and pedestrian linkages which offer realistic alternatives to use of the car. The site is well served by public transport with dedicated bus routes along the Lisburn Road and Balmoral train station to the immediate west. The travel co-ordinator will explore the potential for a Bike2Work scheme, Translink's Corporate Commuter Initiative annual pass/iLink card and a car sharing scheme. The travel co-ordinator will also monitor the travel mode of staff and visitors to the development.

5.12.5 The Transport Assessment recommends 17 cycle spaces in Phase 1 and 8 cycle stands. A condition is recommended to secure the delivery of this infrastructure.

5.12.6 A Service Management Plan has been submitted demonstrating that the site can be satisfactorily serviced via the proposed main access from the Lisburn Road.

5.12.7 Concerns were raised that an increase in traffic will exacerbate congestion resulting in delays and eroding the character of the established residential area and that the proposal will lead to an increase in parking in adjoining streets. The site is located close to a busy intersection which as indicated in the TA operates at capacity. The TA has identified through modelling that there will be a low impact on the surrounding area. Notwithstanding, the previous use of the site attracted significant amounts of traffic to the area. DFI Roads have taken account of the TA submitted and have no objection to the proposed development subject to conditions set out below. A total of 362 car parking spaces have been provided which will adequately serve the development and negate the need for parking in surrounding streets. Parking along Balmoral Avenue from Nos. 1- 29 is restricted with double yellow lines in place on both sides of the road. There are no through routes to the neighbouring Harberton Park which has also double yellow lines in place along a significant stretch on one side. There are also double yellow lines along the Lisburn Road on both sides near the site. Parking restrictions in place will serve to deter users of the health facility from parking in adjoining streets.

5.12.8 Concerns were also raised regarding the repositioned access onto the Lisburn Road on the Park Royal apartment complex which is located opposite the site. DFI Roads are satisfied with the location of the proposed access and have raised no objection regarding the impact of the development on existing neighbouring uses.

5.13 Drainage

5.13.1 The site is not located within a floodplain and there are no watercourses within the site. A Drainage Assessment was submitted with the application and DFI Rivers Agency are satisfied that safe discharge of storm water from the site can be satisfactorily achieved. NI Water advise that the proposal can be served by existing infrastructure on Balmoral Avenue (public water main) and Lisburn Road (public foul sewer) and that the waste Water Treatment works has sufficient capacity to serve the proposed development.

5.14 Contamination

5.14.1 A contamination land risk assessment has been submitted in support of the application. The information advised that redevelopment of Phase 1 represents a 'low risk' to human health and that there is no discernible pollutant linkage within the building and no evidence of a source, minimal pathways and low exposure. The report concluded that the potential risk to site users is

considered very low. Environmental Health have assessed the information provided and have advised that notwithstanding the conclusions of the information submitted conditions are recommended requiring installation of gas protection measures within all the groundworks and penetrations of the King's Hall building footprint. Appropriate conditions are set out below.

5.14.2 The report also identifies localised contamination in site soils identified through borehole investigations specifically relating to asbestos containing materials. The report indicated that there is potential for localised unforeseen contamination. DAERA have considered the information submitted and are content with the conclusions and have no objection to the proposed development subject to the inclusion of recommended conditions. Appropriate conditions are set out below.

5.15 Noise Impact

5.15.1 A Noise Impact Assessment was submitted during the processing of the application. Plant is proposed on the rooftop of the proposed two storey extension which will be set back from the building edge and partially screened by a 2m screen at roof level. Environmental Health are satisfied subject to a condition as set out below.

5.16 Air Quality

5.16.1 An Air Quality Assessment was submitted during the processing of the application. Environmental Health are satisfied subject to conditions set out below.

5.17 Lighting

5.17.1 The applicant has submitted details of the lighting levels of the smaller car park to the rear of dwellings on Lisburn Road and Balmoral Avenue. Environmental Health has assessed this information and has noted that the proposal does not involve the installation of significant lighting sources and have in the interests of residential amenity have recommended a condition seeking a Light Verification report prior to commencement ensure compliance with the standards set out in the Institute of Lighting Professional (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

5.18 Pre-Community Consultation

5.18.1 In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 22nd March 2016 (LA04/2016/0579/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. The Council advised that consultation with the South Belfast Partnership Board should be carried out. The Pre-Application Community Consultation (PACC) public engagement sessions for this proposal took place on 11 May 2016, 2nd June 2016 and 6th December 2017.

5.18.2 A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements and has taken account of the Council's comments during the PAN process. The report has confirmed advertising for the public events and that public events have taken place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that the South Belfast Partnership Board was consulted and a leaflet drop of more than 4,000 properties around a 1km radius of the site took place. The report also set out details of meetings which took place and summarises the issues raised at the public events and during the consultation periods along with applicants response to the issues raised.

5.18.3 The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015

and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.

5.19 Other Issues

5.19.1 Concerns are raised that the proposals would impact upon the property values of neighbouring dwellings however this is not an issue which can be taken into account in the determination of this application.

5.19.2 Concerns are raised regarding the impact of the development on the stability of adjacent properties however no substantive evidence was provided that ground stability is an issue in the area. The new buildings would need to be constructed to Building Control standards.

5.19.3 Concerns are raised that the application should have been accompanied by an Environmental Statement. Belfast Planning Service carried out an assessment of the proposal and determined that it did not require to be accompanied by an Environmental Statement. Environmental and technical information was received in support of the application relating to traffic impact, air quality, ground conditions/contamination, drainage, archaeology/heritage and lighting which have been considered in the assessment of the proposal.

5.19.4 Concerns are raised regarding the nature of the proposed healthcare facility i.e. that it is for private use. The proposal seeks to create modern healthcare accommodation delivering NHS/Public services which will be operated by GPs and supported by other health care practitioners. The accommodation is proposed to be funded by the Health and Social Care Board who are supportive of GP Practices in the area seeking to relocate.

5.19.4 The mechanism of delegating the final wording of conditions to the Director of Planning and Building Control is an acceptable and legitimate process to finalise outstanding issues and this process is subject to agreement of the Planning Committee.

5.19.5 Concerns are raised that the application should be dealt with as an outline application. The application was submitted as a full application and constitutes a valid planning application which the Council have a duty to determine. The nature of the application is considered appropriate to properly assess the impact on the Kings Hall Listed building.

Neighbour Notification Checked

Yes

Summary of Recommendation: Grant approval subject to conditions and a Section 76 agreement.

Having regard to the policy context and other considerations above, the proposal is considered acceptable. It is deemed to comply with the development plan context and planning policy. Planning permission is recommended subject to the conditions set out below.

It is requested that delegated authority to the Director of Planning and Building Control, in consultation with the City Solicitor, to agree the final wording of conditions.

Conditions

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

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

2. The associated car park to the south of the Kings Hall hereby approved as shown on Drawing No. 38 shall be used only for a temporary period of 5 years from the date of this permission,

following which the land shall be restored in accordance with a scheme to be submitted and approved in writing by the Council.

Reason: To ensure no long term adverse impact on the setting of the Kings Hall listed building.

3. Prior to commencement of the development the applicant shall submit details of public realm improvements along the Lisburn Road frontage as highlighted in yellow on Drawing No. 36b which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the Kings Hall.

Reason: To enhance the setting of the Kings Hall listed building.

4. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintain schedules for all landscape areas has been submitted to and approved in writing by the Council Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity.

5. No work shall commence on site until a planting scheme in the spirit of the original have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings. The works shall be carried out prior to the occupation of the building 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 and to ensure that new planting is appropriate and of an acceptable quality.

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

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

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

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

8. 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.

9. The demolition of the stables and the retention, repair and rendering of the rear wall of the stables shall be carried out in accordance with the methodology statement received on 15 August 2018 and Drawing No. 41 received on 23 March 2018.

Reason: To protect the amenity of neighbouring residential properties.

10. Prior to commencement of development the applicant shall submit a Construction and Demolition Management Plan (CDMP) to be agreed in writing with the Council. The CDMP shall identify proposed controls and mitigation measures to control dust, noise, vibration and other nuisance during the demolition/construction phase and shall demonstrate how the implementation of the appropriate measures will mitigate adverse impacts of the development. The CDMP shall be carried out as approved.

Reason: In the interests of amenity.

11. Prior to the operation of the 2-storey extension development, the applicant shall provide to the Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 6.2 - *Remediation Principles* of the Ashfield Solutions Group report: *Contaminated Land Risk Assessment; King's Hall Primary Care Complex, Upper Lisburn Road, Belfast*. Report Number 59716-S13, dated 17/11/2017, have been implemented. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for its end-use. The report shall further demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency.

In particular, this Verification Report must demonstrate:

- that the site layout is in accordance with Belfast City Council Drawing No 36: *Landscape Layout*, date stamped 19/2/2017;
- the incorporation of gas protection measures to meet a Characteristic Situation 2 in accordance with CIRIA C665 and BS 8485:2015 beneath the extension and verified in accordance with the provision of CIRIA publication C735; and
- the encapsulation of the degraded soils at Borehole 01, 02 and 06 through the placement of either hardstanding or a soil capping layer within any landscaped areas to a depth of at least 0.5 m consisting of soils demonstrably suitable for the end-use.

Reason: Protection of human health.

12. Prior to the operation of the King's Hall Primary Health Care Centre building, the applicant shall provide to the Planning Service documented evidence that any installed lift shaft pit(s) have been lined with a damp proof membrane and any new service entry points or piled penetrations have been sealed.

Reason: Protection of human health.

14. If, during the development works, new contamination or perceived risk is encountered which have not previously been identified, works should cease, and the Planning Service shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Service in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of human health.

15. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

16. After completing all remediation works under Condition 1 and prior to commencement of operations, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

17. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in 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" available at <http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

18. Prior to any site works taking place, a "Plan of Work" for the management of site asbestos containing materials (ACM) must be prepared by a suitably competent person and submitted to the Planning Authority within the Council for its agreement. This Plan of work needs to be submitted before any site work with ACM is carried out and should include details of the work and the actions to control risk and prevent harm. The Plan of Work must include the following:

- nature and expected duration of the work
- number of persons involved
- address and location of where work is to be carried out
- method for picking asbestos
- methods used to prevent, control and reduce exposure to asbestos
- air monitoring
- arrangement for disposal of asbestos waste
- type of equipment including personal protective equipment and
- work on site with asbestos containing materials must not take place unless a copy of this Plan of Work is readily available on site.

Reason: Protection of human health and ensure the development site is suitable for use.

19. Prior to commencement of the use details of the odour abatement system shall be submitted and agreed in writing with the Council should the café use hereby approved propose to cook/serve hot food. The odour abatement system shall be installed prior to commencement of the use and shall be maintained thereafter in accordance with the manufacturer's instructions.

Reason: Protection of amenity.

20. Prior to commencement of the development, the Rating Level (dB L_{Ar}) of sound from all combined building services plant/equipment associated with the development shall not exceed the background sound level at the nearest sound sensitive premises (during the daytime and night time periods) when measured in accordance with assessment methodology outlined in *BS4142:2014 - Methods for rating and assessing industrial and commercial sound*. Noise measurements shall be monitored at an appropriate location at the site boundary and corrected to establish the noise levels at the nearest sound sensitive premises. A Rating Level (dB L_{Ar}) indicative of 'low adverse impact' shall be maintained thereafter.

Reason: Protection of residential amenity

21. Prior to commencement of the development, an Artificial Light Verification report shall be submitted to Belfast City Council for review and approval in writing by the planning authority. The report shall verify that all artificial lighting connected with the development is measured and confirmed to be within the vertical illuminance (lux) levels for Environmental Zone E3 as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Reason: Protection of residential amenity

22. Prior to commencement of the development hereby approved access to the site and buildings shall be afforded to HED to record areas that are the subject of demolitions. Access shall be agreed in writing with the Council prior to commencement.

Reason: To ensure that there is a complete record of the historic fabric.

23. No work shall commence on site until a Level 2 survey as defined by Historic England's 'Understanding Historic Buildings A Guide to Good Recording Practice' of the King's Hall - including the extensions proposed for demolition has been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division.

Reason: To ensure that there is a complete record of the historic fabric.

24. No work shall commence on site until a demolition method statement, detailing how the demolitions will be carried out to, and around, the listed building without adversely affecting the structural stability of the remaining historic fabric and without damaging the historic fabric proposed for retention, has been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed method statement.

Reason: To ensure that protection and survival of the remaining historic fabric.

25. No work shall commence on site until samples of all new elements and finish materials for the walls, windows, doors and roofs including colours/materials of all proposed finishes have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed samples.

The samples must include the following:

- a. windows and doors (internal and external)
- b. secondary glazing system
- c. louvres on side elevations
- d. internal joinery
- e. floor finishes

f. roof finishes

Reason: To ensure the protection and survival of the remaining historic fabric and appropriate new work that will minimise any potential damage to the retained fabric.

26.No work shall commence on site until details of the new stairs have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings.

Reason: To ensure that new work is appropriate and of an acceptable quality.

27.No work shall commence on site until large-scale details of the new covering/finish to the arches have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings.

Reason: To ensure that new work is appropriate and of an acceptable quality.

28.No work shall commence on site until the colour of the new covering/finish to the arches have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed colour.

Reason: To ensure that new work is appropriate and of an acceptable quality.

29.No work shall commence on site until details at an appropriate scale of the new canopy have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings. Drawings to include copies of the original drawings as stated in the application documents.

Reason: To ensure that new work is appropriate and of an acceptable quality.

30.No work shall commence on site until details at an appropriate scale of the new link have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings.

Reason: To ensure that new work is appropriate and of an acceptable quality.

31.No work shall proceed on site until details to describe fully the new steps, ramps and walling to the front of the King's Hall have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed drawings.

Reason: To ensure that new work is appropriate and of an acceptable quality.

32.No hard landscaping to commence on site until samples of all hard landscaping finish materials have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division and all work shall conform to the agreed samples.

Reason: To ensure that new work is appropriate and of an acceptable quality.

33.No part of the development hereby permitted shall become operational until the signalisation, lane, re-alignment and remarking of the junction of the Kings Hall redevelopment and the Lisburn Road and of the revised access onto Balmoral Avenue, including visibility splays and any forward sight distance, have been constructed to the satisfaction of DfI – Roads. This will be generally in accordance with the approved layout Drawing Nos. Drawing No. 39, 'Phase 1 Lisburn Road Junction Levels and Geometry' received on 19 December 2017 and

No. 40, 'Phase 1 Balmoral Avenue Road Junction Levels and Geometry' received on 19 December 2017.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

34. No works on the adopted road network to provide the above access to the development shall commence until full details of the engineering for the signalisation, lane re-alignment and remarking of the junction of the Kings Hall redevelopment and the Lisburn Road and of the revised access onto Balmoral Avenue have been submitted to and approved in writing by the Council.

All works shall comply with the requirements of the Design Manual for Roads and Bridges and all other relevant standards and technical guidance, including approval of the necessary Departures/ Relaxations from standard and Road Safety Audit, these being generally in accordance with Drawing Nos. Drawing No. 39, 'Phase 1 Lisburn Road Junction Levels and Geometry' received on 19 December 2017 and Drawing No. 40, 'Phase 1 Balmoral Avenue Road Junction Levels and Geometry' received on 19 December 2017. All works shall be completed to the satisfaction of the Council.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

35. The signalised junction shall be maintained by the operator of the site for a period of 10 years from the commencement of operations of the signals.

Reason: To ensure the cost of operations are borne by the Applicant during initial operations.

36. The Private Streets (Northern Ireland) Order 1980.

The Council hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing No. 34X, 15-031-P-105 Rev X, Kings Hall – Balmoral Avenue Access Land Proposed for Adoption bearing the Department for Infrastructure – Roads date stamp XX November 2018 and No. 35X, 15-031-P-104 Rev X, Kings Hall – Exit Lisburn Road Land Proposed for Adoption bearing the Department for Infrastructure – Roads date stamp XX November 2018. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

37. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing No. 38, 'Road Layout Geometry and Levels Phase 1' received on 19 December 2017 to provide 15 No. disabled parking spaces, 41 No. spaces reserved for essential staff, 305 No. public parking spaces and adequate facilities for servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and servicing.

38. 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.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

39. A minimum of 12 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

40. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

41. The development hereby permitted shall operate in accordance with the approved Travel Plan received on 05 February 2018. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

42. The development hereby permitted shall operate in accordance with the approved Service Management Report received on 05 February 2018.

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

43. Prior to the operation of the development, the specified combustion plant detailed within the *Air Quality Assessment: Phase 1 of the Kings Hall Redevelopment, Belfast* (July 2018) shall be installed and retained thereafter at all times.

Reason: Protection of amenity.

44. Prior to commencement of the construction/demolition works a Dust Management Plan shall be submitted and approved in writing by the Council. The mitigation measures detailed within Chapter A5, *Appendices to Air Quality Chapter* shall be adopted within the Dust Management Plan as agreed. The works shall not take place unless in accordance with the approved details.

Reason: Protection of amenity.

Notification to Department (if relevant):

Date of Notification to Department: Not required
 Response of Department: N/A

Representations from Elected members:

Paula Bradshaw MLA

ANNEX	
Date Valid	16th January 2018
Date First Advertised	9th February 2018
Date Last Advertised	17th August 2018
Date of Last Neighbour Notification	17th August 2018
Date of EIA Determination	26th March 2018
ES Requested	No