

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11th December 2018	
Application ID: LA04/2018/0047/DCA	
Proposal: Demolition of 29 Balmoral Avenue	Location: 29 Balmoral Avenue Belfast
Referral Route: Associated with major planning application	
Recommendation:	
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: This application seeks the demolition of No. 29 Balmoral Avenue to facilitate widening of the Balmoral Avenue access to the Kings Hall site.</p> <p>This proposal is part of a wider development to restore the Kings Hall listed building and re-use as a primary healthcare facility and is part of a package of 3 applications submitted for the proposal. This application is accompanied by the two related applications for the Kings Hall development (LA04/2018/0040/F and LA04/2018/0048/LBC).</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> • The principle of demolition • The impact on the conservation area <p>4 objections have been received regarding this application.</p> <p>The conservation officer considers that the proposal to demolish would not preserve or enhance the conservation area however when the loss of the dwelling is weighted against the wider proposal for the Kings Hall site, which will bring about substantial community benefits in the form of a primary healthcare facility serving the local community, the restoration and re-use of the currently vacant listed Kings Hall securing its future use, along with the environmental and access improvements this case is considered exceptional and acceptable.</p> <p><u>Recommendation</u></p> <p>Having regard to the development plan context, relevant planning policies and other material considerations including the issues raised in the objections the proposed demolition is on balance considered acceptable given the substantial community benefit arising from the wider proposal.</p> <p>It is recommended that conservation area consent be granted with the final wording of conditions to be delegated to the Director of Planning and Building Control.</p>	

Case Officer Report

Site Location Plan



Existing Site Layout

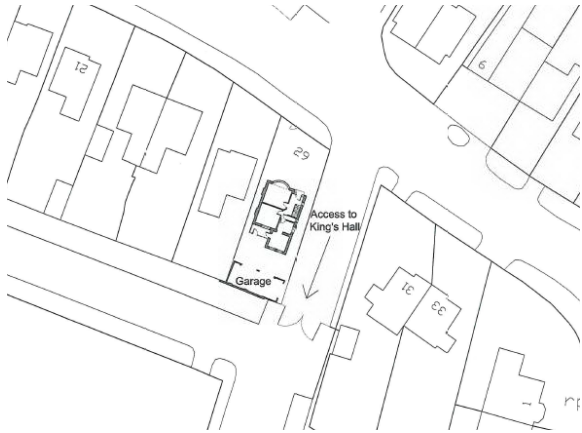


Photo of No. 29 Balmoral Avenue





Consultations:

Consultation Type	Consultee	Response
Non Statutory	Conservation Officer	Proposal fails to comply with Policy BH 14

Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

1.0 Summary of Issues

2 objections were received regarding this application. The objections raised the following issues:

- Demolition of No.29 Balmoral Avenue is:
 - contrary to Policy,
 - unsympathetic to the Malone Conservation Area,
 - will have a detrimental impact upon residential visual amenity and
 - would not be in keeping with the Malone Conservation Area.
- Increase in traffic along Balmoral Ave will exacerbate congestion and result in further delays in traffic – proposal will erode character of established residential area
- Development will lead to an increase in parking in adjoining streets
- Historic flooding in roads around Kings Hall - water and sewerage system inadequate to cope with the scheme
- 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

2.0 Characteristics of the Site and Area

2.1 No. 29 Balmoral Avenue comprises a two storey dwelling and single storey garage. The dwelling features a gable front bay feature with a timber porch canopy and a bowed window. The dwelling was constructed in the interwar period and is finished in roughcast render with rendered surrounds around first floor windows and a pitched slate roof. Diamond facet detailing occurs towards the apex of the dwelling.

2.2 The area is characterised by residential development generally two storey detached and semi-detached dwellings fronting onto Balmoral Avenue. The dwelling is adjacent to the existing Balmoral Avenue access and the Kings Hall site abuts the site to the immediate south. Malone Presbyterian Church and Friends Burial Ground are located to the north/north-west of the site.

3.0 Description of Proposal

The proposal seeks the demolition of No.29 Balmoral Avenue.

4.0 Planning Assessment of Policy and Other Material Considerations

4.1 Policy Context

Strategic Planning Policy statement for Northern Ireland (SPPS)
PPS 6 Planning, Archaeology and the Built Heritage

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 and identified as falling within the conservation area (Malone Conservation Area). In the version of BMAP purported to be adopted the site is also identified as falling within the conservation area (Malone Conservation Area).

Other Material Considerations

A Design Guide for the Malone Conservation Area

4.2 Representations

4 objections have been received. The issues raised in the objections are set out as follows:

- Demolition of No.29 Balmoral Avenue is:
- contrary to Policy,
- unsympathetic to the Malone Conservation Area,
- will have a detrimental impact upon residential visual amenity and

- would not be in keeping with the Malone Conservation Area.
- Support for the Conservation Officer assessment
- Proposals are not supported by a Health and Social Care Statement of need/HSC does not identify any future requirement for this facility – undermines Council assumption of wider public benefit in context of BH 10(c)
- 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.
- No overriding need to demolish No. 29 Balmoral Avenue
- 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.
- Increase in traffic along Balmoral Ave will exacerbate congestion and result in further delays in traffic – proposal will erode character of established residential area
- Development will lead to an increase in parking in adjoining streets
- Historic flooding in roads around Kings Hall - water and sewerage system inadequate to cope with the scheme
- DFI has failed to respond and Council has been advised that the application will proceed without their opinion.
- 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
- Application in its current form should be treated as an outline proposal as part of a major application and phased determinations are not appropriate.

The issues raised in the objections received relating to the demolition of No.29 Balmoral Avenue are considered in the assessment that follows. Issues relating to traffic, parking and flooding, landscaping, phasing of the Kings Hall site are dealt with in the associated reports LA04/2018/0040/F and LA04/2018/0048/LBC.

4.3 Consultation

Conservation Officer – The building makes a positive, material contribution to the character and appearance of the conservation area. Proposal would not preserve or enhance the conservation area and fails to comply with PPS6 Policy BH 14 (Demolition in a Conservation Area). 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 aforementioned position to determine whether policy exception can be applied.

4.4 Associated Planning Applications

The following accompanying applications which are assessed in separate reports:

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 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.

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.

4.5 Principle of Demolition and Impact on the Conservation Area

4.5.1 No.29 Balmoral Avenue is proposed to be demolished to facilitate widening of the Balmoral Avenue access into the site as part of Phase 1 of the redevelopment of the Kings Hall site which comprises the restoration and reuse of the Kings Hall along with a new two storey extension to facilitate a primary health care centre accommodating GP services with supporting services and ancillary retail unit and cafe.

4.5.2 The site sits within the Malone Conservation Area (sub Areas Lisburn Road and Balmoral/Harberton/Shrewsbury) and as such the proposal requires to be assessed under Policy BH 14 of PPS 6. No. 29 Balmoral Avenue comprises a two storey detached dwelling featuring a gable front bay with a timber porch canopy. The dwelling constructed in the interwar period 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 and advises 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 aforementioned position to determine whether policy exception can be applied.

4.5.3 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. . 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.

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.

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.

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 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.

Other Issues Raised

Concerns were raised that the application should be subject to an Environmental Statement in line with the EI Regulations (NI) 2017 in relation to the cumulative loss of historic architecture in the BCC Plan Area. The proposal does not fall with Schedule 1 development as set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The site measures 0.026 hectares and falls below the applicable thresholds for Schedule 2 of the aforementioned EIA Regulations. Therefore an Environmental Impact Assessment is not required for this proposal.

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 is subject to agreement with Planning Committee.

Neighbour Notification Checked

N/A

Summary of Recommendation:

Having regard to the policy context including Policy BH14 and 10 and paragraph 6.5 of PPS 6 and other material considerations, the proposal is considered acceptable. The merits of the wider

redevelopment of the Kings Hall site will bring about substantial benefits for the community which outweigh the retention of the dwelling. Conservation Area Consent is recommended subject to the condition set out below.

It is requested that delegated authority to the Director of Planning and Building Control to agree the final wording of conditions.

Condition(s):

1. In accordance with Section 105 of the Planning Act (NI) 2011, the building shall not be demolished until a contract for the redevelopment of the adjoining Kings Hall site in accordance with the approved details under planning approval LA04/2018/0040/F has been agreed, and evidence of that contract submitted to and approved in writing by the Council.

Reason: In the interests of the Malone Conservation Area.

Notification to Department (if relevant)

Date of Notification to Department: Not required
 Response of Department:

Representations from Elected members:

Paula Bradshaw MLA

ANNEX	
Date Valid	16th January 2018
Date First Advertised	2nd February 2018
Date Last Advertised	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	No