

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/1254/F	<b>Date of Committee:</b> 15 <sup>th</sup> September 2020
<b>Proposal:</b> Erection of independent living complex 16No. units with associated landscaping, parking and access off Balmoral Avenue. (AMENDED PLANS AND ADDITIONAL INFORMATION)	<b>Location:</b> Land at former Kings Hall and RUAS Complex located to the east of the King's Hall and to the rear of Nos 7-23 Harberton Park Belfast BT9 6GW
<b>Referral Route:</b> Residential scheme of more than 12 units with representations received which conflict with officer recommendation	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Benmore Octopus Healthcare Developments (KH) Ltd Rushmere House 46 Cadogan Park Belfast BT9 6HH	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> This application seeks full planning permission for the erection of an independent living complex of 16 no. units with associated landscaping, parking and access off Balmoral Avenue.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Setting of Listed Building</li> <li>• Demolition and impact on Conservation Area</li> <li>• Design, Impact on character on the character and appearance of the area</li> <li>• Trees and Landscaping</li> <li>• Impact on residential amenity</li> <li>• Air Quality</li> <li>• Contamination</li> <li>• Access, Movement and Parking</li> <li>• Flooding / Infrastructure Capacity</li> </ul> <p>In the BUAP, the site is unzoned whiteland. In Draft BMAP 2004 and BMAP 2015, the site is unzoned whiteland with a small portion along Balmoral Avenue identified as falling within Malone Conservation Area. The proposed residential use does not conflict with the development plan or planning policy and is therefore acceptable in principle.</p> <p>4 objections have been received to date, summarised as;</p> <ul style="list-style-type: none"> <li>• This is a change from the original proposal presented at the public consultation event;</li> <li>• Compromise privacy and security of properties adjoining the new Balmoral Access;</li> <li>• Creation of unsafe access, in close proximity to existing accesses and junction;</li> <li>• Increased safety risk to pedestrians, cyclists and road users with increased accidents;</li> <li>• Intensification and congestion;</li> <li>• New access moving closer to No 27 Balmoral Avenue, potential for encroachment;</li> </ul>	

- Inadequate separation distances between existing and proposed properties;
- Loss of privacy;
- Loss of mature boundary trees.

These matters are addressed in detail in the main body of the report below.

DFI Roads, Rivers Agency, HED, NI Water, DAERA, BCC Environmental Health and BCC Trees were all consulted and have offered no objection to the proposal.

The site forms part of the wider Kings Hall complex for which there are a number of approved and current planning applications seeking to redevelop the area. At this stage, planning permission has been granted for Phase 1 works that includes the redevelopment of the King's Hall venue as a primary health care facility and offices, public realm, landscaping and access works and a children's day nursery. Phase 1 works are currently underway.

There is currently two live planning applications for the development of the rest of the site under references LA04/2020/0845/O and LA04/2019/2989/F. Whilst these applications are yet to be determined, they do provide an indication of how the wider site is to be developed. Measures have been incorporated within the proposed application to ensure that the residential environment for future occupants will be acceptable in the interim, which includes a pocket park which has also been incorporated into the proposed masterplan layout submitted under the main outline application LA04/2020/0845/O. In terms of future uses and compatibility with the proposed residential use, the proposed masterplan has taken this into account and has shown how this can be achieved. However ultimately if this application is approved, it will be for the future application for the wider site to ensure compatibility with this residential use. The applicant has also agreed to phasing conditions linking to the restoration of the listed Kings Hall to ensure these works are completed in conjunction with this proposed independent living application.

In relation to all other matters, the proposal is considered acceptable in terms of design, impact on character and appearance of the area, setting of listed building and Malone Conservation Area, impact on highway safety, parking, access, flooding / drainage, trees and landscaping and contamination.

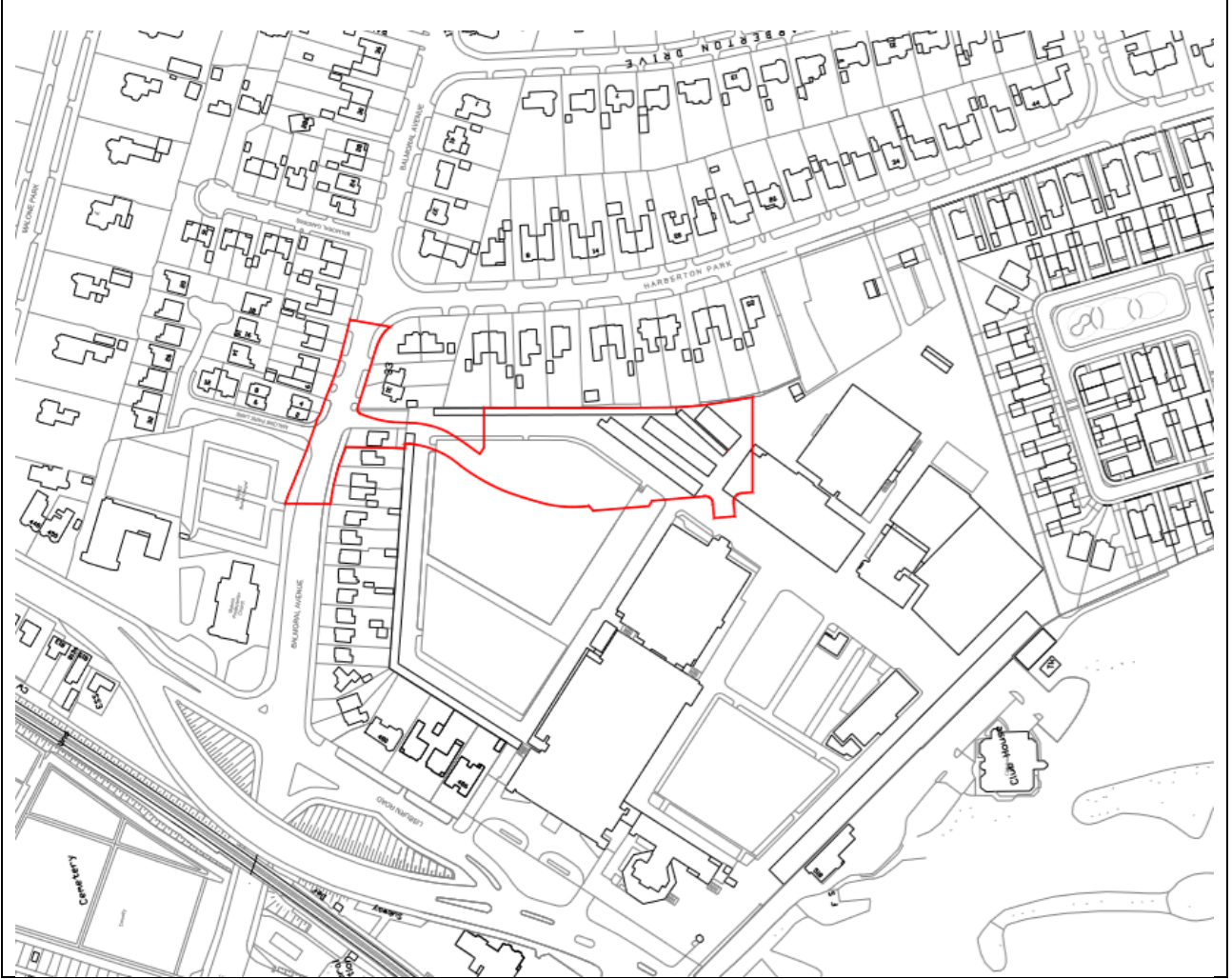
The proposal has been assessed against and is considered to comply with the BUAP, Draft BMAP, with PPS3, PPS6, PPS7, PPS7 Addendum, PPS12, PPS15 and the SPPS. Having regard to the development plan, relevant planning policies, and other material considerations including third party representations, on balance, it is recommended that the proposal is approved.

### **Recommendation – Approved subject to conditions**

Having regard to the policy context and other material considerations, the proposal is considered acceptable and approval is recommended for the reasons set out. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

## Case Officer Report

### Site Location Plan





<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This application seeks full permission for the erection of 16 x 2 bedroom independent living units with associated landscaping, parking and access from Balmoral Avenue.</p> <p>The proposal has been amended over the course of the application to include the following:</p> <ul style="list-style-type: none"> <li>• Increased separation distances to properties along Harberton Park;</li> <li>• Reconfigured layout with revised car parking and landscaping;</li> <li>• Increased garden areas;</li> <li>• Hoarding and additional landscaping along the western boundary with wider Kings Hall site;</li> <li>• Pocket park (outside red line of application site but within the blue line).</li> </ul> <p><u>Overview of Independent Living Units</u></p> <p>The agent has advised that the independent living accommodation is to typically serve people aged 55 or over and the more active elderly. The services include private amenity space provision, 1/2 bedroom apartments with fitted kitchens, careful consideration to the interior of the apartments (e.g. slip resistant flooring, lever taps to camera door entry), 24 hour emergency calling system. The agent advises a management company is to be responsible for the day to day running of the development, including the provision of assistance for homeowners and the maintenance of shared spaces. However, there is no overriding planning reason to restrict occupation of the development in this way and the proposal is being assessed in the same way as standard housing.</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application site forms part of the wider Kings Hall complex. It extends to an area of 0.92 hectares, includes 29 Balmoral Avenue, the existing vehicular access from Balmoral Avenue and lands to the rear of 7- 23 Harberton Park. Single storey stable blocks are located along the eastern perimeter which have since been demolished with the rear boundary wall retained. The site is relatively flat with a modest rise in levels towards the eastern boundary with Harberton Park. Work is ongoing including the demolition of buildings around the listed King's Hall and extension as part of the approved LA04/2018/0040/F.</p> <p>The surrounding area is predominately residential in nature comprising of two storey semi-detached and detached dwellings to the north and east, with the former Kings Hall complex and Balmoral Golf Club to the south and west.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>Application Site LA04/2018/0047/DCA - Demolition of 29 Balmoral Avenue – Granted 16th April 2019</p> <p>LA04/2018/0048/LBC - Conversion of, alterations to and side extension to King's Hall to accommodate Primary Health Care Centre, demolition of existing extensions to King's Hall and relocation and restoration of existing railings and pillars to the front of King's Hall – Granted 16th April 2019</p> <p>LA04/2018/0040/F – Demolition of 29 Balmoral Avenue, demolition of existing non-listed building on site (including conference facility, showgrounds and stables). Refurbishment, creation of new floorspace and change of use from King's Hall venue to primary health care</p>

	<p>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 – Granted 16th April 2019</p> <p>LA04/2020/0747/F - Application under section 54 of the Planning Act (NI) 2011 in respect of planning approval LA04/2018/0040/F seeking to vary condition No. 39 to amend the approved layout Drawing No.38 Road layout geometry and levels Phase 1 to reflect the amended layout – Granted 29<sup>th</sup> June 2020</p> <p>Kings Hall Complex 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 – Granted 20th January 2016</p> <p>LA04/2019/2848/F - Construction of day nursery/playschool facility to replace existing temporary day care nursery and reconfiguration of car park approved under LA04/2018/0040/F with associated landscaping and access works – Granted 29<sup>th</sup> June 2020</p> <p>LA04/2019/2989/F - Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue.(Amended drawings and further information received) – Pending</p> <p>LA04/2020/0171/DC - Discharge of condition no.2 of LA04/2018/0047/DCA (contract for the redevelopment) – Granted 14<sup>th</sup> February 2020</p> <p>LA04/2020/0845/O - Outline planning permission for a mixed use regeneration proposal with all matters reserved for retirement living at plot 6, medical or health services at plot 9, multi storey car park, local retail uses, restaurant and cafe uses, leisure and gym facilities at plot 8, associated internal access roads, associated new public realm and amenity open space including central plaza and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F); and no matters reserved for residential development (81 apartments) at plot 3 with ground floor local retail use/restaurant and cafe uses/leisure and gym facilities, associated landscaping, car parking and access from Upper Lisburn Road (as per planning approval reference LA04/2018/0040/F) and reconfiguration of temporary car park to the rear of King's Hall (approved under LA04/2018/0040/F) – Pending</p> <p>Land East of Harberton Park to the South of no. 25 Harberton Park 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) – Granted 16th March 2018</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	<p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 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.</p>
	Draft BMAP 2004

	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Designation BT001 Metropolitan Development Limit
		Draft BMAP 2015 (purported to be adopted)
	4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3		Regional Development Strategy 2035
4.4		Strategic Planning Policy Statement 2015
4.5		Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS7) Quality Residential Environments Planning Policy Statement 7 (PPS7) Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12 (PPS12) Housing in Settlements Planning Policy Statement 15 (Revised) Planning and Flood Risk
4.6		Section 91 of the Planning Act (Northern Ireland) 2011 "In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
4.7		Section 104 of the Planning Act (Northern Ireland) 2011 "Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises."
<b>5.0</b>		<b>Statutory Consultees Responses</b>
5.1		DFI Roads – No objection subject to condition
5.2		Rivers Agency – No objection
5.3		DAERA (Water Management Unit) – No objection, refers to standing advice on conditions
5.5		DAERA (Land and Groundwater Team) – No objection
5.7		NI Water – Advice
5.8		Historic Environment Division – No objection
<b>6.0</b>		<b>Non-Statutory Consultees Responses</b>
6.1		BCC Environmental Health – No objection subject to conditions
6.4		BCC Tree Officer – No objection
<b>7.0</b>		<b>Representations</b>
7.1		<p>The application was neighbour notified on the 24<sup>th</sup> June 2019. It was advertised in the local press on the 14<sup>th</sup> June 2019.</p> <p>Following receipt of additional information and amended plans, the application was re-neighbour notified on the 24<sup>th</sup> August 2020, the period for which expired on the 7<sup>th</sup> September 2020. Any additional representations received will be reported as a committee update item.</p> <p>4 letters of objection received to date, summarised as follows:</p> <ul style="list-style-type: none"> <li>This is a change from the original proposal presented at the public consultation event, verbal agreements were made that never materialised, agents have ignored requests for updates;</li> </ul> <p><b><i>Officer Response:</i></b> <i>As this is a local planning application, there is no requirement for the pre-application community consultation to be carried out. This only applies to major planning applications.</i></p>

	<ul style="list-style-type: none"> <li>• Compromise of privacy and security of property adjoining the new Balmoral access; <b><u>Officer Response:</u></b> <i>Balmoral Avenue access has already been approved under application LA04/2018/0040/F.</i></li> <li>• Creation of unsafe access contrary to DCAN 15 and Creating Places, too close to existing access points and junction which will result in increased accidents;</li> <li>• Will restrict access to the homes of adjoining properties; <b><u>Officer Response:</u></b> <i>DFI Roads have advised that visibility for adjoining properties is good.</i></li> <li>• Increased safety risk to pedestrians, cyclists and road users;</li> <li>• Revised proposal shows access is moving closer to boundary with 27 Balmoral Avenue, reducing extent of landscaping buffer;</li> <li>• May need to encroach on the boundary with No 27 Balmoral Avenue to build the wall; <b><u>Officer Response:</u></b> <i>The proposed works are shown to be within the application boundary.</i></li> <li>• Intensification of new access at Balmoral Road, not only for 16 independent units but also traffic associated with care home, GP/doctors carpark and staff car parking at the relocated day nursery;</li> <li>• Intensification of movements around the new junction, wide variations in flow and restricted turning movements, particularly with prolonged daily peaks, may inevitably create confusion and uncertainty for other drivers and existing residents, and may increase the potential for accidents; <b><u>Officer Response:</u></b> <i>The evidence provided by the applicant which has been subject to review by DFI Roads, does not indicate that this development is likely to generate significant traffic. DFI Roads offer no objection on road safety.</i></li> <li>• Increased traffic congestion;</li> <li>• Inadequate separation distances between the proposed buildings and adjoining properties;</li> <li>• Loss of privacy;</li> <li>• Loss of mature boundary trees.</li> </ul> <p>These matters are addressed directly above or in the main body of the report below.</p> <p>A request was made by Councillor Lyons to call the application to committee. However, the application is required to be determined by planning committee in any case because the proposal is for more than 12 residential units and representations have been received which conflict with the officer recommendation.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Belfast Agenda Design Guide for Malone Conservation Area Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards
<b>9.0</b>	<b>Assessment</b>
9.1	<u>Application Background</u> The site forms part of the larger Kings Hall complex for which there was an indicative masterplan for its comprehensive redevelopment as a mixed-use health led development subject to a PAN Notice served on 12 June 2019. Permission has been granted for the restoration of the listed Kings Hall building with associated public realm, landscaping and access works under references LA04/2018/0047/DCA, LA04/2018/0048/LBC and



LA04/2018/0040/F. Relating to this, a variation of condition has been granted under reference LA04/2020/0747/F to the car parking layout to facilitate further development on the site which includes the new day nursery/playschool facility recently approved under reference LA04/2019/2848/F and the development of the wider Kings Hall site which is also the subject of a separate application (LA04/2020/0845/O) currently under consideration. There is also another application for a new care home (LA04/2019/2989/F) which is under consideration. This application site sits to the east and north of these proposals and is a standalone application in its own right within the Kings Hall complex.



(Area outlined in red is currently under consideration under reference LA04/2020/0845/O and Plot 4 is under consideration in application LA04/2019/2989/F)

- 9.2 The proposal is considered to be in compliance with the development plan.
- 9.3 The key issues in the assessment of the proposed development include:
- Principle of development
  - Setting of Listed Building
  - Demolition and impact on Conservation Area
  - Design, Impact on character on the character and appearance of the area
  - Trees and Landscaping
  - Impact on residential amenity
  - Air Quality
  - Contamination
  - Access, Movement and Parking
  - Flooding / Infrastructure Capacity
- 9.4 Principle of development  
In the BUAP, the site is unzoned whiteland. In Draft BMAP 2004 and BMAP 2015, the site is unzoned whiteland with a small portion along Balmoral Avenue identified as falling within Malone Conservation Area. The proposed residential use does not conflict with the development plan or planning policy and is therefore acceptable in principle.
- 9.5

9.6	<p>As highlighted in the background history above, this application site forms part of a masterplan for redevelopment of the Kings Hall submitted as part of the PAN process. The masterplan has no official planning status or weight. At this stage, planning permission has been granted for Phase 1 works that includes the redevelopment of the King's Hall venue as a primary health care facility, public realm, landscaping and access works and the day nursery. Phase 1 works are currently underway.</p>
	<p>There is live planning applications for the comprehensive development for the rest of the site under references LA04/2020/0845/O and LA04/2019/2989/F. Whilst it is noted, these applications are yet to be determined, they do provide an indication of how the wider site is to be developed. Measures have been incorporated within the proposed application to ensure that the residential environment for future occupants will be acceptable in the interim, which includes a pocket park which has also been incorporated into the proposed masterplan layout submitted under the main outline application LA04/2020/0845/O. In terms of future uses and compatibility with the proposed residential use, the proposed masterplan has taken this into account and has shown how this can work. However ultimately if this application is approved, it will be for the future application for the wider suite to ensure compatibility with this residential use. The applicant has also agreed to phasing conditions linking to the restoration of the listed Kings Hall to ensure these works are completed in conjunction with this proposed independent living application. Based on the above, the principle of the proposal is considered acceptable subject to the material considerations as set out below.</p>
9.7	<p><u>Impact on setting of listed buildings</u></p> <p>The proposal falls within the curtilage of the Grade B1 listed King's Hall. The proposed housing is located along the north western boundary of the site with separation distances of between 70-160 metres to the Kings Hall itself. Planning permission has already been granted for a two storey side extension to the Kings Hall under reference LA04/2018/0040/F which would largely shield the proposed development from view of the listed building. Furthermore, given the domestic scale of the proposal and the intervening separation distances, views of the iconic listed King's Hall would continue to dominate. On this basis, the proposal is unlikely to adversely impact on the quality and character of its setting.</p>
9.8	<p>The application site is also within close proximity to the Grade B listed Malone Presbyterian Church. However, the proposal would be suitably removed in situation and scale, thus having no impact upon its setting.</p>
9.9	<p>HED were consulted and offer no objection. The proposal is therefore considered to accord with Policy BH11 of PPS6, the SPPS and Section 91 of the Planning Act (Northern Ireland) 2011.</p>
9.10	<p>Works are currently under way for the restoration of the listed Kings Hall under application LA04/2018/0040/F. The restoration of the listed building must be the centrepiece of the regeneration of the site and is of overriding public interest. As per the background section above, there are a number of separate applications for the redevelopment of the wider Kings Hall including this application. Due to this more piecemeal approach to the redevelopment of the wider site, it is essential that these other developments are linked to and contribute towards the Kings Hall restoration. The applicant has agreed to similar phasing condition to that attached to the original application LA04/2018/0040/F to ensure that the proposed independent living units are linked to the Kings Hall restoration works whilst also taking into account the viability of this smaller scale scheme. (Recommended conditions 8, 9, 10)</p>
9.11	<p><u>Demolition and Impact on the Conservation Area</u></p> <p>The proposal involves the demolition of 29 Balmoral Avenue which is considered to make a material contribution to the character and appearance of Malone Conservation Area. The demolition of 29 Balmoral Avenue is required to facilitate the upgrade works to the existing</p>

	<p>Balmoral Avenue access. The demolition of 29 Balmoral Avenue has already been granted under application LA04/2018/0040/F and LA04/2018/0047/DCA and is tied by condition to that scheme. The demolition of 29 Balmoral Avenue has since been carried out in accordance with the previous approval as a contract for the redevelopment of listed Kings Hall is now in place. On this basis, there is no conflict with Policy BH14 of PPS6, paragraph 6.18 of the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011. The character and appearance of the Conservation Area would be preserved.</p>
	<p><u>Design, Impact on the character and appearance of the area</u></p>
9.12	<p>The surrounding area typically comprises of lower density housing with traditional two storey detached and semi-detached dwellings with front and rear gardens.</p>
9.13	<p>In terms of the scale, massing, proportions and appearance of the proposed apartment blocks, they would be sympathetic to the surrounding area. Their design takes on a contemporary approach to the traditional vehicular and incorporates contextual cues to the surrounding area including gables, pitched roofs, ground floor projections and use of red brick, render and slate.</p>
9.14	<p>The proposed layout of development would be somewhat at variance with the prevailing character within the wider established residential area in terms of separation distances, rear garden sizes and their depths and car parking arrangement.</p>
9.15	<p>However, it is noted that there have been other developments approved within the surrounding area with smaller gardens and separation distances akin to the proposed development including Malone Park Gardens, Malone Park Lane and Balmoral Mews. Furthermore, the recently completed Blue Horizon development was a comprehensive redevelopment of a large part of the Kings Hall complex, which provided the opportunity to create its own sense of place and included complimentary uses, substantial communal areas, set out in lawn with high quality landscaping and boundary treatments and attractive streets, which produced a high quality scheme.</p>
9.16	<p>A similar case applies here where this proposal represents only a small part of a much larger site that is being redeveloped, permission for which has already been granted for a new nursery and the Kings Hall restoration itself. There is also live planning applications for a new care home and a mixed-use generation proposal for the wider site which gives an indication of how the wider site could be developed. It is also important to note that given the self-contained nature of the site, the impact on the character and appearance of the wider area would be limited. Having regard to the above, on balance, the proposal is considered acceptable in accordance with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, the SPPS Creating Places and Living Places.</p>
	<p><u>Impact on existing trees and landscaping</u></p>
9.17	<p>The proposal requires the removal of 13 existing on site trees, however these trees were permitted to be removed under planning permission LA04/2018/0040/F. In any case, the landscaping scheme proposes the additional planting of 35 trees which would compensate for the loss of these trees, as well as offering screening to adjoining properties along Harberton Park.</p>
9.18	<p>Previously concern was raised over the level changes along with the introduction of steps and retaining walls within the rear gardens of the proposed units and the potential impact on existing trees along the boundary with Harberton Park which are protected due to their location with Malone Conservation Area. Additional information was provided which shows a strong structural wall from the demolished stable block which is likely to have been built on deep supporting foundations. As a result, this would act as inhibitor for root migration from trees</p>

	<p>within adjacent rear neighbouring gardens. Should roots be found to be migrating under the boundary wall, protection measures are included with Tree Survey Report to deal with this, to ensure that no detrimental harm is caused to these trees. On this basis, the proposal is considered to accord with Policy QD1 of PPS7, Policy BH12 of PPS6 and paragraph 6.19 of the SPPS.</p>
	<p><u>Impact on amenity</u></p>
9.19	<p>The proposed apartment blocks would back onto the rear gardens of 7-23 Harberton Park. There would be a minimum separation distance of 10.3 metres to the rear boundary and a minimum separation distance of 31 metres rear elevation to rear elevation, which would exceed the recommended standards set out in Creating Places. In addition, the proposed apartment blocks would sit at lower ground level than the adjoining properties (between 0.2 metres to 1.7 metres difference) with the rear boundaries to be supplemented with tree planting. These measures would be sufficient to prevent any undue loss of privacy or overlooking to occupants. In terms of loss of light, overshadowing and overbearing impact, given the separation distances, two storey scale of development and differences in ground levels, an unacceptable impact would not be caused.</p>
9.20	<p>As part of planning approval LA04/2018/0040/F the rear walls of the stables are to be retained and made good where necessary. The proposed development indicates the same with the boundary wall along Harberton Park. A condition has been recommended to secure this.</p>
9.21	<p>The upgraded access arrangements would mean an intensification in the level of traffic travelling along the side boundaries of Nos 27 and 31 Balmoral Avenue. However, this relationship was deemed acceptable under application LA04/2018/0040/F along with buffer planting for mitigation. A condition has been recommended to secure the buffer planting.</p>
9.22	<p>Each apartment would meet the space standards and would have access to an adequate level of private amenity space ranging from approximately 70m<sup>2</sup> to 150m<sup>2</sup> in line with the recommended standards in Creating Places. Concerns had previously been raised in respect of the quality of the amenity space due to garden depths, proximity to existing boundary trees and proposed landscaping. A Tree Survey has been carried out and the site layout plan and landscaping plan revised to address this to ensure quality private amenity spaces for future occupants whilst also alleviating future pressure on existing trees.</p>
9.23	<p>At present, the site is part derelict and part under construction. To ensure that the future residents of the proposed units have adequate outlook until such times the wider part of the site is redeveloped, hoarding with a landscaping screen along and a pocked park are proposed. In terms of the future redevelopment of the site, in the current outline application for the rest of the site ref: LA04/2020/0845/O, the site would front onto Plot 9 which is proposed to be a Medical / Health Facility at heights ranging from 2 to 4 storeys. Whilst this application is yet to be determined, it gives an indication of how this could work in the future. However ultimately, if this current application is granted, the wider area will need to be designed to ensure compatibility with this proposed residential use.</p>
9.24	<p>BCC Environmental Health have reviewed the noise assessment and supporting evidence and offered no objection to the proposed. To conclude, the proposal is considered to secure an acceptable level of amenity for existing and future residents in accordance with Policy QD1 of PPS7 and the SPPS.</p>
	<p><u>Air Quality</u></p>
9.25	<p>The submitted Air Quality Supporting Statement and Transport Assessment Form has been reviewed by Environmental Health who have advised that the proposed development would have a negligible impact on local air quality. In addition, the air quality for future users would be within acceptable levels. On this basis, the proposal would accord with the SPPS.</p>

9.26	<p><u>Contamination</u></p> <p>Supporting contamination information has been provided which demonstrates that the site can be developed for its proposed end use whilst ensuring no unacceptable risks to human health and environmental receptors. This has been reviewed by Environmental Health and DAERA (Land and Groundwater Team) who have no objection subject to conditions. The proposal would therefore accord with the SPPS in this regard.</p>
9.27	<p><u>Access, Movement and Parking</u></p> <p>The proposed development is to be accessed via Balmoral Avenue. This application proposes the same access arrangement that was approved under application LA04/2018/0040/F which involves the upgrading of the existing access onto Balmoral Avenue and the demolition of 29 Balmoral Avenue to accommodate this. The upgrade works include widening of the access and the insertion of a right and left filter lane within Balmoral Avenue. The detailed design of this access was subject to review by DFI Roads headquarters for final approval on the relaxations and departures from standard design guidance and this design was found to be acceptable. This process also involved an independent Road Safety Audit. Through this review, some changes were made to the detailed access, however there remains sufficient space for a buffer with tree planting along the access boundary with neighbouring properties.</p>
9.28	<p>A total of 22 residents' car parking spaces and 4 visitor spaces (total 26) are to be provided which equates to a ratio of 1.5 spaces per apartment. This would represent a reduced level of parking against the recommended parking standards, however when having regard to the sustainable location of the site in close proximity to local amenities and public transport links, implementation of the submitted Travel Plan, self-contained nature of the site, the level of car parking is considered acceptable.</p>
9.29	<p>Under application LA04/2018/0040/F and the most recent variation application LA04/2020/0747/F, there is to be no vehicular through traffic between the Lisburn Road access and Balmoral Avenue access except to permit servicing. This is restricted by a planning condition on the most recent consent (condition 40). The proposed day nursery is to be accessed via the Lisburn access only in line with the terms of the Kings Hall restoration application. The proposed development would intensify the use of the Balmoral Avenue access with the additional traffic associated with the proposed 16 independent living units. DFI Roads have been consulted and consider this increase in intensification acceptable.</p>
9.30	<p>Accordingly, it is not considered that the proposal would prejudice road safety or significantly inconvenience the flow of traffic in accordance with Policy QD1 of PPS7, Policies AMP3 and AMP7 of PPS3 and the SPPS.</p>
9.31	<p><u>Flooding / Infrastructure Capacity</u></p> <p>The site is not located within the fluvial or pluvial flood plain and there are no watercourses within the site. A Drainage Assessment has been submitted which demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the proposed development and ensure that flood risk will not be increased elsewhere. This has been reviewed by Rivers Agency who have cited no objection. As such, the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
9.32	<p>NI Water have advised that there is sufficient capacity at the WWTW to accommodate the proposed development.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b>

	<p>Having regard to the development plan, relevant policy context and other material considerations including third party representations, on balance, the proposal is considered acceptable. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of conditions.</p>
<p><b>11.0</b></p>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> </li> <li>2. The development shall be constructed in accordance with the materials specified in the approved plans. <p>Reason: In the interests of visual amenity.</p> </li> <li>3. Prior to the occupation of residential units hereby permitted, full details of the hoarding, soft landscaping screen and landscaped open space as shown in drawing no 24 uploaded to the planning portal 13<sup>th</sup> August 2020 shall be submitted to and approved in writing by Belfast City Council. The development shall be carried out in accordance with the approved details and completed in full prior to the occupation of the residential units hereby permitted and permanently retained as such thereafter. <p>Reason: In the interests of residential amenity.</p> </li> <li>4. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number No 16B published to the planning portal 22nd June 2020. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by Belfast City Council. <p>Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.</p> </li> <li>5. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (dated May 2019) prepared by Park Hood, published to the planning portal 17<sup>th</sup> May 2020. <p>Reason: In the interests of biodiversity, amenity and character and appearance of the locality.</p> </li> <li>6. Prior to any work commencing on the site, all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the submitted Tree Survey and Report and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees / hedging shown to be retained, 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.</li> </ol>

Reason: To ensure the protection of and to ensure the continuity of amenity afforded by any existing trees to be retained.

7. The demolition of the stables and the retention, repair and rendering of the wall of the stables shall be carried out in accordance with the approved methodology statement and drawing no 41 as specified in condition 10 of planning permission LA04/2018/0040/F.

Reason: In the interests of the amenity of neighbouring properties.

8. Within 1 year of the occupation of the ninth unit in the development hereby permitted, the external works to the north western (Lisburn Road) elevation of the King's Hall identified on drawings Nos. 22b and 45 of planning permission LA04/2018/0040/F shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

9. Within 2 years of the occupation of the ninth unit in the development, the external works to the elevations of the King's Hall – 1) south western elevation facing Balmoral Golf Club, 2) south eastern elevation facing Harberton Park and 3) north eastern elevation facing Balmoral Avenue identified on drawing Nos. 21b and 22b of planning permission LA04/2018/0040/F, shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

10. Within 3 years of the occupation of the ninth unit in the development, the external works to the roof of the King's Hall identified on drawing Nos. 20a, 21b, 22b, 23b and 24b of planning permission LA04/2018/0040/F and the associated internal structure shall be completed in accordance with the approved details.

Reason: In the interests of the orderly development of the site and to secure the restoration of the listed building.

11. No residential unit hereby permitted shall be occupied 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 Nos. 39, 'Phase 1 Lisburn Road Junction Levels and Geometry' published by Belfast City Council Planning Office on 01 February 2018 and 40, 'Phase 1 Balmoral Avenue Road Junction Levels and Geometry' published by Belfast City Council Planning Office on 01 February 2018 as identified in Conditions 35 and 36 of Approval of Planning Permission LA04/2018/0040/F. 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

12. No dwelling hereby permitted shall be occupied until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 9744-701P6 'PSD

Layout' (23A), published to the planning portal 22nd June 2020 to provide adequate facilities for parking, 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.

13. The development hereby permitted shall operate in accordance with the approved Residential Travel Plan uploaded to the planning portal 3th June 2019. This Travel Plan will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

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

14. The noise mitigation measures as presented in Chapter 11 of the Environmental Statement revised and updated on the 22nd May 2020 by Irwin Carr Consulting shall be incorporated into the proposed development, including:

(a) A 2m high boundary wall to the rear of the hereby permitted Independent Living Units as shown in appendix 1 of updated Chapter 11 (May 2020) of the Environmental Statement shall be retained and maintained on site;

(b) The Glazing units to the hereby permitted Independent Living Units shall provide a sound reduction specification of 31 dBRw or higher as recommended in Appendix 3 of the Acoustic Design Statement of Chapter 11 of the Environmental Statement;

(c) Alternative means of mechanical ventilation capable of providing a sound reduction specification equivalent to or higher than that of the glazing (31dBRw) shall be installed in all habitable rooms of the hereby permitted development.

The development shall not be occupied until such measures are in place and shall be retained thereafter at all times.

Reason: Protection of Residential Amenity.

15. Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by Belfast City Council. The CEMP shall include proposed hours of construction activities as well as mitigation measures for controlling dust, noise and vibration. The CEMP shall have due regard to current good practice as outlined in BS5288:2009 parts 1 and 2 and shall include a strategy for communication/liaison with nearby existing residents throughout the construction phase. The CEMP shall be made available to the Environmental Protection Unit of Belfast City Council at any time upon request. The CEMP shall be implemented in accordance with the approved details.

Reason: Protection of Residential Amenity.

16. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease until a written report detailing the nature of this contamination and its management has been submitted to and agreed in writing by the Planning Service. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

Reason: Protection of human health and environmental receptors.



17. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Brownfield Development Services letter 'Land Contamination, Noise and Air Quality supporting statements for the proposed independent living development on the King's Hall site, Lisburn Road, Belfast' (dated 3rd April 2019 and referenced 59716.030419.BCC) have been implemented. Should unexpected contamination be identified during the approved development of the site, the Verification Report must demonstrate that the remediation measures within the agreed documentation have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Residential with home grown produce). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency, British Standards and CIRIA industry guidance.

In particular, this Verification Report must demonstrate that:

- The development has been provided with gas protection measures in line with Characteristic Situation 2 requirements.
- The gas protection measures have been verified in line with CIRIA C735.
- The soils within the top 0.5m of the final surface level in all soft landscaping and garden areas are demonstrably suitable for the end use (residential with homegrown produce).

Reason: Protection of human health.

18. Prior to commencement of development, a detailed landscaping scheme for the buffer planting along the Balmoral Avenue access shall be submitted to and approved in writing by Belfast City Council. The planting shall be carried out in accordance with the approved details in the first planting season following completion of the development. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by Belfast City Council.

Reason: In the interests of visual amenity and residential amenity.

**Notification to Department (if relevant):** N/A

**Representations from Elected members:** A request was made by Councillor Lyons to call the application to committee. However, the application is required to be determined by planning committee in any case because the proposal is for more than 12 residential units and representations have been received which conflict with the officer recommendation.

**Details of Neighbour Notification** (all addresses)

1 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 1 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW  
 10 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 10 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 11 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 11 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW  
 12 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 13 Balmoral Avenue, Belfast, Antrim, BT9 6NW  
 13 Harberton Park, Malone Upper, Belfast, Antrim, BT9 6TW

14 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
15 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
15 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
16 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
17 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
17 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
18 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
19 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
19 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
2 Malone Park Lane,Belfast,Antrim,BT9 6NQ  
20 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
21 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
21 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
22 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
23 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
23 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
25 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
25 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
27 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
3 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
3 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
31 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
33 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
4 Malone Park Lane,Belfast,Antrim,BT9 6NQ  
480 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU  
482 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU  
484 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU  
486 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GU  
5 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
5 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
6 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
7 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
7 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
8 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
9 Balmoral Avenue,Belfast,Antrim,BT9 6NW  
9 Harberton Park,Malone Upper,Belfast,Antrim,BT9 6TW  
Malone Nursery School And Playschool, The Kings Hall Complex, Lisburn Road, BT9 6GW  
Malone Presbyterian Church,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GT