

Development Management Report

Summary	
Committee Date: 17 th June 2025	
Application ID: LA04/2024/1592/F & LA04/2024/1595/LBC	
Proposal: LA04/2024/1592/F: Residential development comprising the demolition of no. 8 Marlborough Street, partial demolition of existing Marlborough House, and the refurbishment of existing Listed Building (Princes Court) (3 storeys), for the erection of 103 no. apartments (mix of 1-bed, 2-bed and 3 bed units) (8 storeys), with provision of private amenity, and internal and external communal amenity spaces; and associated site and infrastructure works. (amended description) LA04/2024/1595/LBC: Proposed residential development comprising the demolition of no. 8 Marlborough Street, partial demolition of existing Marlborough House, and the refurbishment of existing Listed Building (Princes Court), for the erection of 103 no. apartments (mix of 1-bed, 2-bed and 3 bed units), with provision of private amenity, and internal and external communal amenity spaces; and associated site and infrastructure works.	Location: Marlborough House, (no. 28-32 Victoria Street), and no. 8 Marlborough Street, Belfast BT1 3GG
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Park Street Projects Ltd 37-41 High Street Belfast	Agent Name and Address: TSA Planning Ltd 20 May Street Belfast BT1 4NL
Date Valid: 20 th September 2024	
Target Date: 2 nd May 2025	
Contact Officer: Lisa Walshe, Principal Planning Officer	

Executive Summary:

This application relates to the site of Marlborough House and the Princes Court listed building, bounded by Victoria Street, Marlborough Street and Princes Street in the City Centre. The application seeks full planning permission and Listed Building Consent for the redevelopment of the existing Marlborough House and Princes Court to create 103 residential apartments.

The key issues for consideration of the application are set out below.

- Principle of housing in this location
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Residential quality and impact on amenity
- Open space
- Access and transport
- Design and placemaking
- Impact on heritage assets
- Climate change
- Health impacts
- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Employability and Skills
- Section 76 planning agreement
- Pre-application Community Consultation

The site is un-zoned “white land” in the Belfast Urban Area Plan 2001. The site is within the City Centre and an Area of Townscape Character (02/05) within the most recent version of draft Belfast Metropolitan Area Plan 2015 (v2014).

The site is a suitable location for housing; the proposal would make effective use of previously developed land in a sustainable location and support City Centre living.

The height, scale and massing of the proposed building is considered in keeping with other buildings in the surrounding area. The height of the building at Marlborough House will be 25m when measured from the Victoria Street elevation which is below the height of what would be defined as a tall building.

The proposal would provide no dedicated parking; however, this is considered acceptable given the highly sustainable location of the site with good access to public transport, travel plan, commitment to green travel measures and access to public car parks.

The application proposes the delivery of 80% affordable housing comprising social rented housing within the development which complies with Policy HOU5. NIHE is supportive of the affordable housing provision.

DFI Roads, DFC HED, DFI Rivers Agency, Environmental Health, Shared Environmental Services (SES), BCC Urban Design Team and NIEA Natural Environment Division and Regulation Unit have offered no objection to the proposal, subject to conditions. Concerns were raised by NI Water and

DAERA: Water Management Unit regarding capacity issues in the area. Translink were consulted due to the close proximity of the Laganside Bus Centre. Concerns were raised regarding the ability of the bus centre to expand in the future following the development of the site up to the boundary with the bus centre. These matters are dealt with in detail in the main report.

Two third party objections have been received, expressing concerns about loss of light and refuse management logistics.

Recommendation

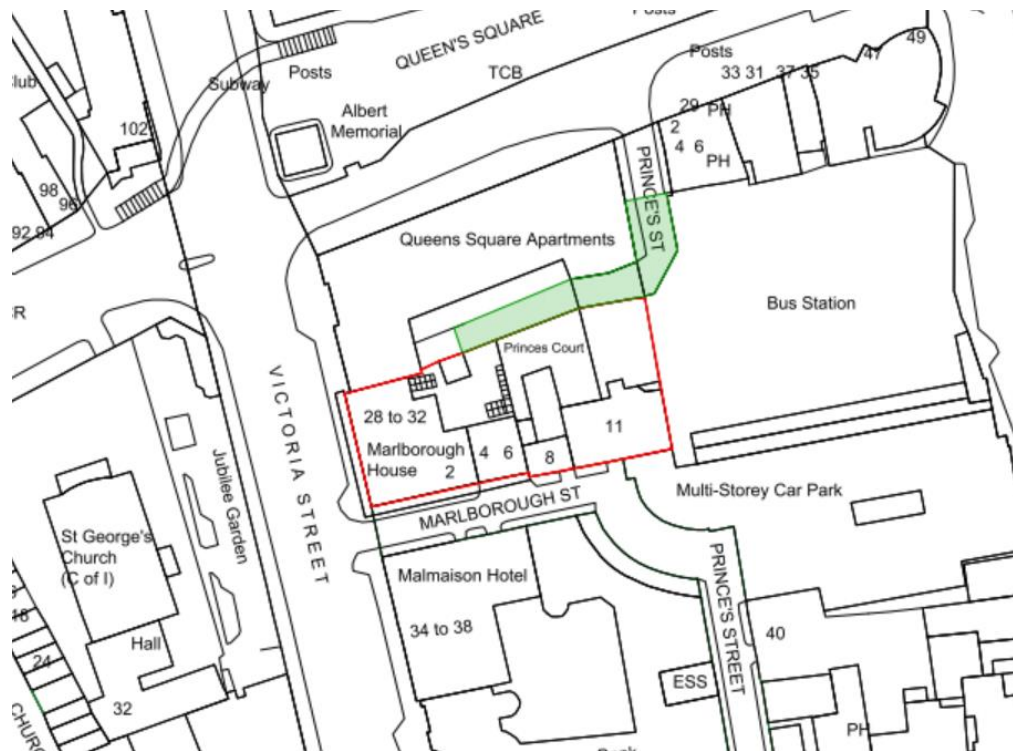
Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that may arise, provided that they are not substantive.

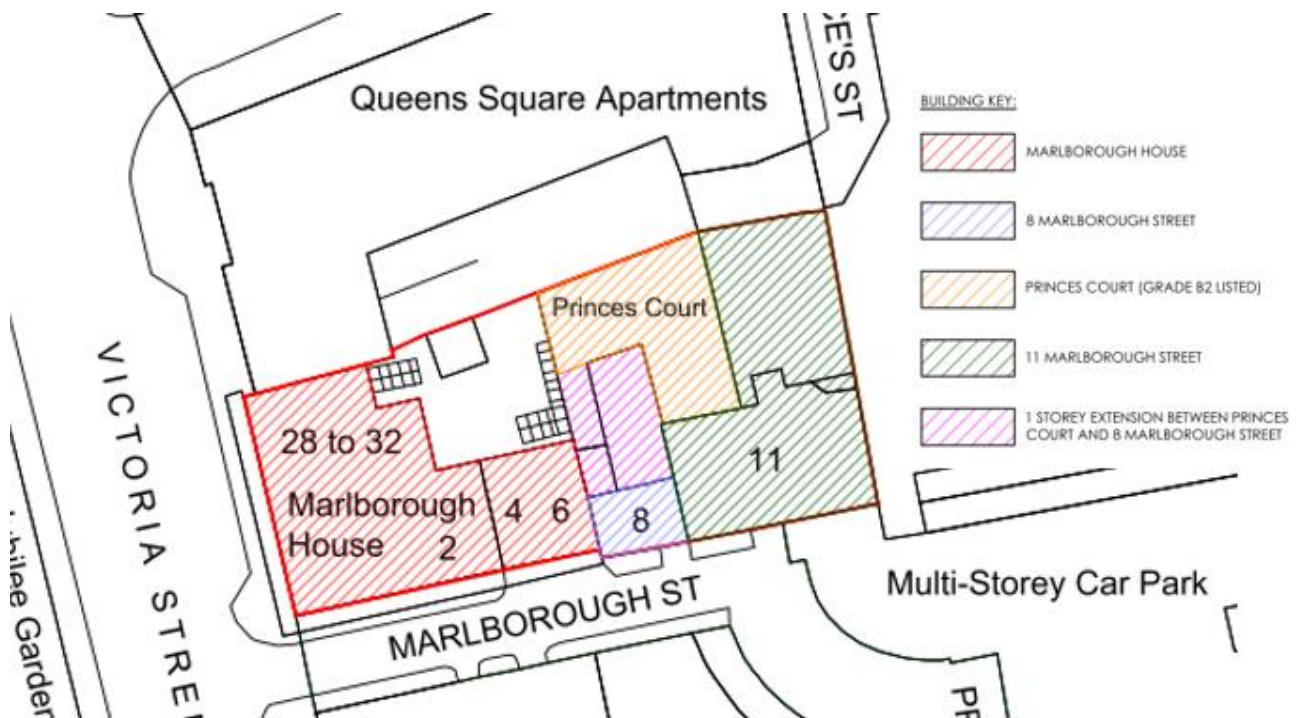
Case Officer Report

DRAWINGS AND IMAGERY

Site Location Plan:



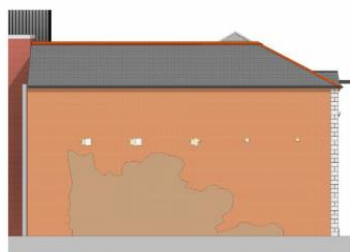
Existing site layout:



Proposed Site plan:



Princes Court Elevations: Existing



① EXISTING EAST FACADE
1:100



③ EXISTING NORTH FACADE
1:100



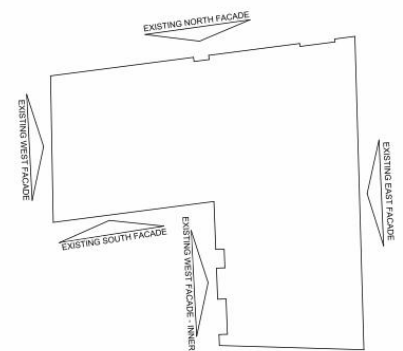
④ EXISTING WEST FACADE
1:100



② EXISTING WEST FACADE - INNER
1:100



⑤ EXISTING SOUTH FACADE
1:100



ELEVATION KEY
1:100

Proposed



Victoria Street Existing Elevation 1:200

Proposed

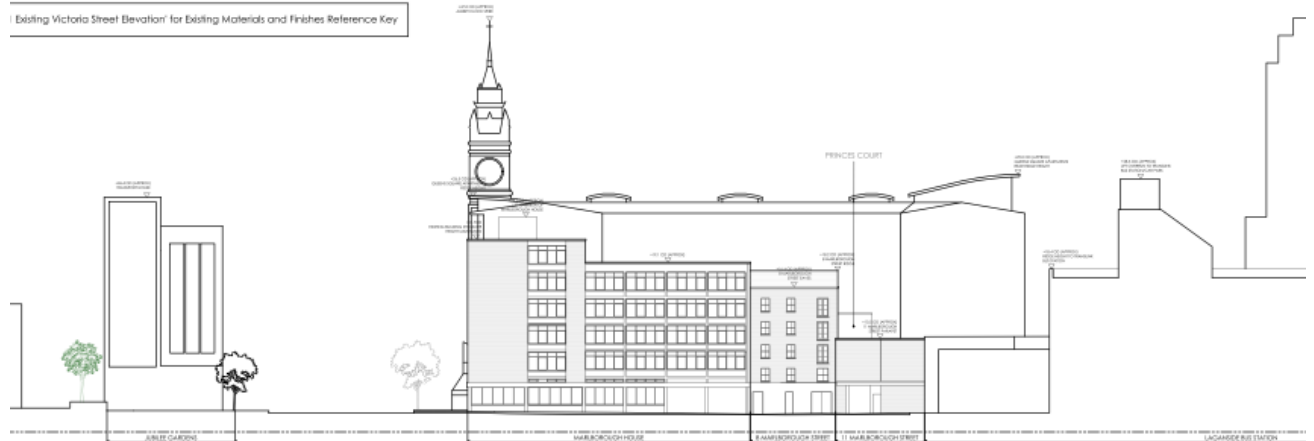


Victoria Street Contextual Elevation 1:200

Marlborough Street Contextual Elevations

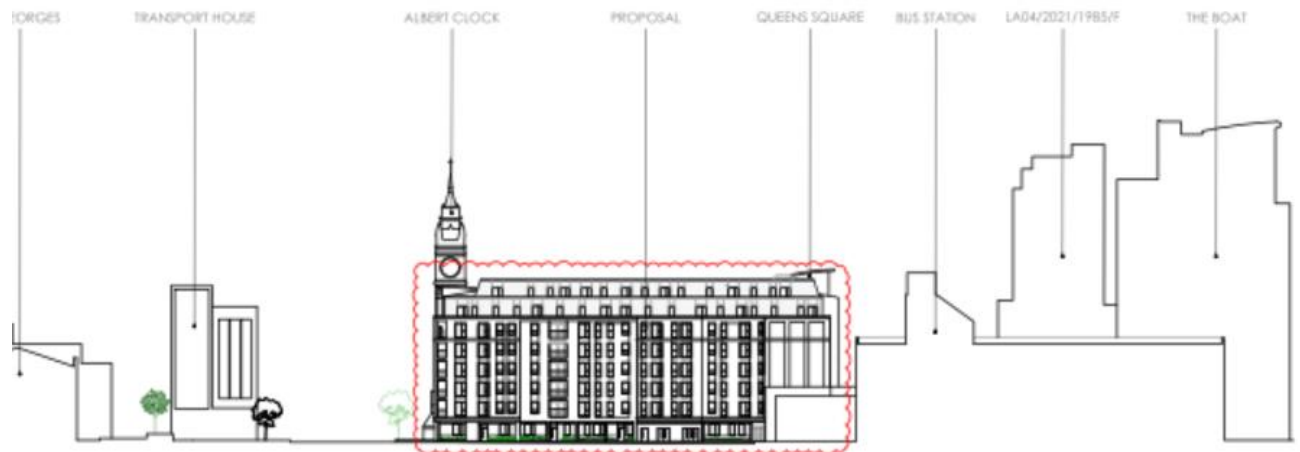
Existing

Existing Victoria Street Elevation for Existing Materials and Finishes Reference Key



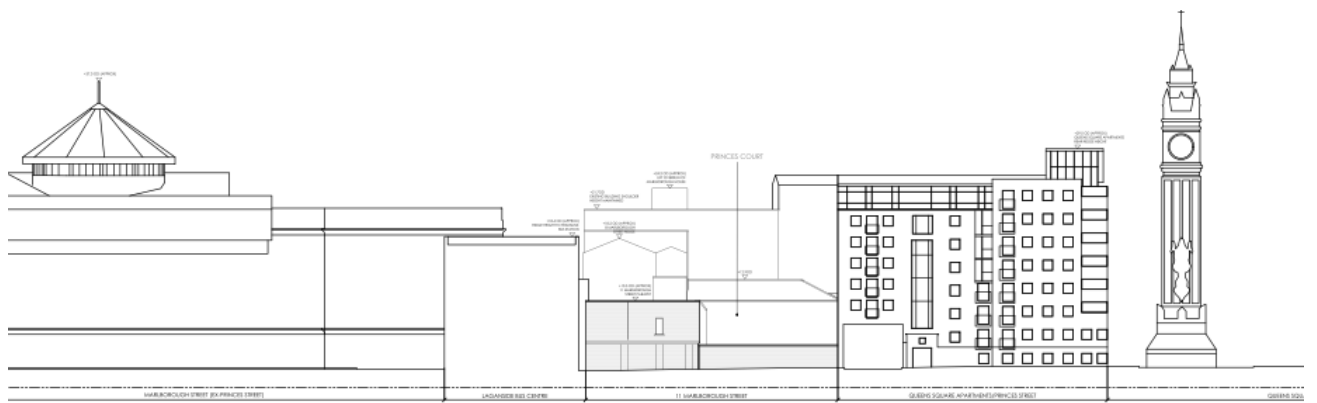
Existing Victoria Street Elevation 1:200

Proposed



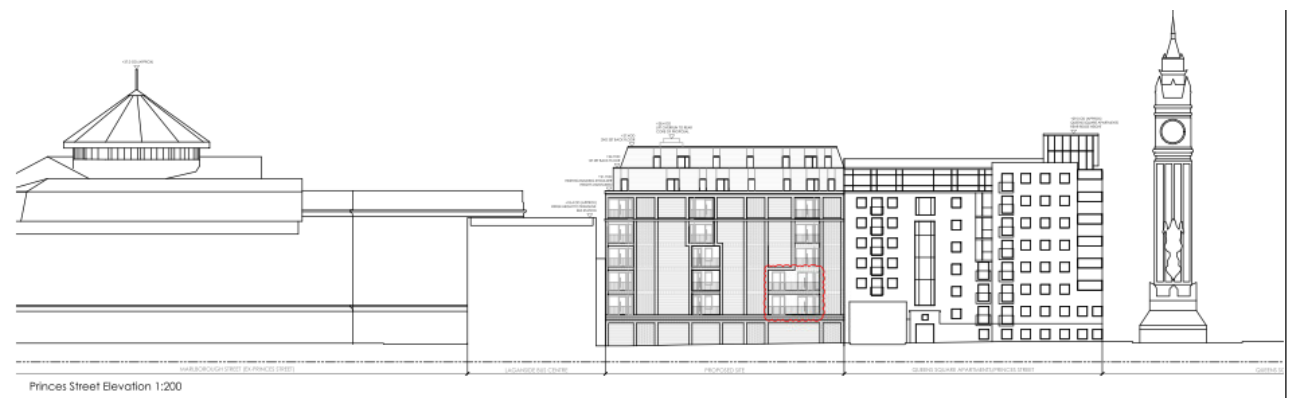
Princes Street Contextual Elevations:

Existing



Princes Street Existing Elevation 1:200

Proposed



Princes Street Elevation 1:200

CGIs:





1.0	Characteristics of the Site and Area
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1.1	<p>This application relates to the existing Marlborough House and listed Prince's Court buildings. The site is bounded by Marlborough Street to the south of the site, Victoria Street to the west, Queen's Square apartments to the north and Laganside bus station to the east. The site consists of the existing Marlborough House, the steel structure of which is to be retained and Princes Court which is to be refurbished, 8 Marlborough Street to be demolished, an enclosed car park at 11 Marlborough Street to be demolished and a single level carpark.</p>
1.2	<p>The site area is approximately 0.18 ha and currently has a vacant 5 storey office building on site and a 3-storey listed building situated within the site. The surrounding buildings are of a similar scale.</p>
1.3	<p>Prince's Court is Grade B2 listed. There are a number of other Listed Buildings in close proximity to the site, including:</p> <ul style="list-style-type: none"> • Malmaison Hotel, 34-38 Victoria Street (Grade B+) • Albert Clock, Queens Square (Grade A) • HB26/50/045 St George's Church, 105 High Street (Grade A) <p>Description of Proposed Development</p>
1.4	<p>The application seeks full planning permission for 103 residential apartments comprising the refurbishment of the existing Marlborough House and Prince's Court Listed Building. The proposed scale of the development is 8 storeys at Victoria Street, Marlborough Street and Prince's Street with a 3-storey refurbished Prince's Court located within the development. The 8 storeys comprise the original 6-storey building with a split setback of two additional storeys.</p>
1.5	<p>The proposed apartments are a mix of 1 bed, 2 bed and 3 bed units. Balconies are provided for a number of the upper floor apartments and a communal courtyard is located within the centre of the development. A community room is provided within the Prince's Court building. The proposal includes the demolition of Nos. 8 and 11 Marlborough Street and partial demolition of Marlborough House. The steelwork of Marlborough House will be retained.</p>
1.6	<p>A Listed Building application accompanies this full permission for the refurbishment of Prince's Court. The Listed Building description is as follows: Proposed residential development comprising the demolition of no. 8 Marlborough Street, partial demolition of existing Marlborough House, and the refurbishment of existing Listed Building (Princes Court), for the erection of 103 no. apartments (mix of 1-bed, 2-bed and 3 bed units), with provision of private amenity, and internal and external communal amenity spaces; and associated site and infrastructure works.</p>
1.7	<p>The works to the listed building include the creation of 6 residential units, replacement windows and doors; new gutters, downpipes, gas outlets, grills/vents, timber panelling to North façade, new conservation rooflights, replacement of render with matching brick; repair of roof slates like for like; drylining; retention, repair and sanding of existing floorboards and localised replacement where beyond repair; new timber stairs and landing.</p>
1.8	<p>The applications follow detailed Pre-Application Discussions with officers.</p>
2.0	<p>PLANNING HISTORY</p>

2.1	LA04/2016/1275/F – Marlborough House. New façade treatment to ground floor elevations on Marlborough Street (part) and Victoria Street. Permission granted 15/11/2016.
2.2	Z/2006/2627 – 11 Marlborough Street/Princes Street/Princes Court, Belfast. Retention and refurbishment of existing Listed Building, demolition of 11 Marlborough Street and erection of 8 storey building to provide 8 hotel rooms and 67 apartments including parking. Permission granted 11/09/2007.
2.3	Z/2000/1014/F – 8 Marlborough Street. Change of use of 1 st , 2 nd , 3 rd and 4 th floors from apartments to offices. Permission granted 28/06/2000.
2.4	Z/1998/2165 – 8 Marlborough Street and 2-4 Prince's Court. Conversion of existing property including 5 storey extension to Marlborough Street to allow for 4 Apartments on upper floors and ground floor providing Storage/ancillary accommodation to approved hotel at the McCausland site. Proposal also includes alterations to Prince's Court facade. Permission granted 12/08/1998.
2.5	Z/1997/2678 – 8 Marlborough Street and 2-4 Prince's Court. Construction of 3 storey building comprising storage and Ancillary accommodation to ground floor; offices to 1 st Floor; apartment to 2nd floor and changes to facade at Prince's court elevation. (all uses ancillary to Approved hotel at McCausland site). Permission granted 22/12/1997
2.6	Z/1996/2497 – 2-4 Prince's Court. Change of use of ground floor of existing warehouse to tea shop/ restaurant. Permission granted 23/08/1996.
2.7	Z/1989/2336 – 2-4 Prince's Court. Change of use to offices from office/ workshops. Permission granted 06/09/1989.
2.8	<p><u>Surrounding Area</u></p> <p>Z/1998/2781 – corner of Queen's Square and Victoria Street. Development comprising 68 no. 2 bed apartments, 22 no. 1 bed apartments and 2no. 3 bed apartments with associated underground parking. Permission granted 17/09/1999.</p>
3.0	PLANNING POLICY
3.1	<p>Development Plan – Plan Strategy</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p><i>Strategic Policies:</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SD2 – Settlement Areas</p> <p><i>Operational Policies:</i></p>

	<p>Policy HOU1 – Accommodating new homes</p> <p>Policy HOU2 – Windfall housing</p> <p>Policy HOU4 – Density of residential development</p> <p>Policy HOU5 – Affordable housing</p> <p>Policy HOU6 – Housing Mix</p> <p>Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of urban design</p> <p>Policy DES2 – Masterplanning approach for major development</p> <p>Policy RD1 – New residential developments</p> <p>Policy BH1 – Listed Buildings</p> <p>Policy BH5 – Archaeology</p> <p>Policy HC1 – Promoting healthy communities</p> <p>Policy TRAN1 – Active travel – walking and cycling</p> <p>Policy TRAN 2 – Creating an accessible environment</p> <p>Policy TRAN4 – Travel plan</p> <p>Policy TRAN6 – Access to public roads</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy ENV1 – Environmental quality</p> <p>Policy ENV2 – Mitigating environmental change</p> <p>Policy ENV3 – Adapting to environmental change</p> <p>Policy ENV4 – Flood Risk</p> <p>Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy GB1 – Green and blue infrastructure network</p> <p>Policy OS3 – Ancillary open space</p> <p>Policy TRE1 – Trees</p> <p>Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p>
3.2	<p>Affordable Housing and Housing Mix</p> <p>Residential Design</p> <p>Placemaking and Urban Design</p> <p>Masterplanning approach for Major developments</p> <p>Sustainable Urban Drainage Systems</p> <p>Transportation</p> <p>Development Viability</p>
3.3	<p>Development Plan – zoning, designations and proposals maps</p> <p>Belfast Urban Area Plan (2001) BUAP</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
3.4	<p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
3.5	<p>Other Material Considerations</p> <p>Developer Contribution Framework (2020)</p> <p><i>Belfast Agenda</i> (Community Plan)</p>

4.0	CONSULTATIONS AND REPRESENTATIONS
4.1	<p><u>Statutory Consultees</u></p> <p>DfI Roads – no objection, subject to conditions.</p> <p>DfC HED – no objection, subject to conditions.</p> <p>DAERA NIEA NED – no objection.</p> <p>DAERA NIEA WMU – proposal has the potential to adversely affect the surface water environment.</p> <p>DAERA NIEA Regulation Unit – no objection, subject to conditions.</p> <p>NI Water – Concerns raised about the availability of wastewater infrastructure, as detailed in the main assessment of this report.</p> <p>NIHE – fully supportive of 80% social rented housing.</p>
4.2	<p><u>Non-Statutory Consultees</u></p> <p>Planning Service Urban Design Officer – no objection</p> <p>Environmental Health – no objection, subject to conditions</p> <p>BCC Economic Development Unit – advises that an Employability and Skills Developer Contribution is not required.</p> <p>Shared Environmental Services (SES) – no objection subject to conditions</p> <p><u>Representations</u></p>
4.3	The application has been advertised in the newspaper and neighbours notified.
4.4	Two letters of objection have been received, raising concerns about loss of light to apartments in Queen’s Square and waste management. These issues are addressed in the planning assessment section of this report.
4.5	Full consideration has been given to all relevant concerns noted in the representations in the planning assessment of the report below.
5.0	PLANNING ASSESSMENT
	Main Issues
5.1	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of housing in this location • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Design and placemaking • Public realm

	<ul style="list-style-type: none"> • Impact on the heritage assets • Climate change • Residential quality and impact on amenity • Open space • Access and transport • Health impacts • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Waste management • Natural heritage • Employability and Skills • Section 76 planning agreement • Pre-application Community Consultation <p>Development Plan Context</p>
5.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
5.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Policies</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 3.1.</p> <p><u>Proposals Maps</u></p>
5.6	Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
5.7	Belfast Urban Area Plan 2001 – the site is un-zoned “white land”.
5.8	Belfast Metropolitan Area Plan 2015 (2004) – the site is located within the Victoria Street/ Oxford Street Area of Townscape Character (CC 106)

5.9	<p>Belfast Metropolitan Area Plan 2015 (v2014) – the site is located within the Victoria Street/Oxford Street Area of Townscape Character</p> <p><u>Principle of housing in this location</u></p>
5.10	<p>Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. This proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes on to require that such proposals also satisfy three criteria discussed below.</p> <ul style="list-style-type: none"> a. The site is suitable for housing – the site is a sustainable location within the City Centre and considered suitable in principle for housing. b. The location is accessible and convenient to public transport and walking cycle infrastructure – the site is located within the City Centre and highly accessible to shops, services, amenities and public transport. c. Provision is made for any additional infrastructure required as a result of the development – suitable infrastructure is in place.
5.11	<p>The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in this location is considered acceptable.</p> <p><u>Housing density</u></p>
5.12	<p>Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land in sustainable locations. The proposal is located within the City Centre for which the average density is recommended as between 150-350 dwellings per hectare (ha). Proposals outside these bands will be considered on their own merits, with reference to local character, site characteristics and constraints, environmental quality and residential amenity. The site area is 0.18 ha and so the proposal equates to a density of 572 dwellings per ha.</p>
5.13	<p>Although the proposed density falls outside of the parameters set out in Policy HOU4, it has been assessed against relevant residential policies and is not considered to have a significant impact on areas of acknowledged planning interest. The proposal is considered acceptable in terms of residential amenity for space standards and amenity space. The affordable housing SPG also states that there may be occasions where meeting the requirements of Policy HOU5 would result in a scheme density outside of the parameters set in Policy HOU4.</p>
5.14	<p>The proposal is considered acceptable having regard to Policy HOU4 as the development has been considered on its own merits and meets all other policy requirements.</p> <p><u>Affordable housing</u></p>
5.15	<p>Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.</p>
5.16	<p>In this case, the application is seeking to address the requirements of Policy HOU5 by providing a form of affordable housing for all units. This is broken down as 80% social housing (82 of 103 units). This is split into 54 units proposed as 'general needs social housing' and 28 units as 'older peoples social housing.'</p>

5.17

Due to issues with intermediate housing funding, the applicant is not seeking to define the tenure of the remaining 20% of units and as the policy test has been met with the delivery of social rented units, this is considered acceptable.

5.18

Tenure	No. of Units	No. of occupants / bedrooms	No. of Accessible Units	Size (sqm)
General Needs Social Housing	0	1 person 1 bedroom	0	35/40 m2
	12	2 person 1 bedroom	0	50/55 m2
	2	2 person 1 bedroom wheelchair	1	60/65 m2
	2	3 person 2 bedroom wheelchair	1	65/70 m2
	28	3 person 2 bedroom	0	60/65 m2
	1	4 person 2 bedroom wheelchair	3	85/90m2
	3	5 person 3 bedroom	0	80/85 m2
Category 1 - Older Peoples Social Housing	4	1 person 1 bedroom	0	35/40 m2
	6	2 person 1 bedroom	0	50/55 m2
	22	3 person 2 bedroom	0	60/65 m2
	2	3 person 2 bedroom wheelchair	2	80/85 m2
Other Tenure (i.e. Intermediate for Sale or Rent or Private)	8	2 person 1 bedroom	0	50/55 m2
	8	3 person 2 bedroom	0	60/65 m2
	2	4 person 2 bedroom	0	70/75m2
	1	4 person 3 bedroom	0	75/80 m2
	2	5 person 3 bedroom	0	80/85 m2

Tenure

5.22

The proposal meets the requirements for tenure blind development and has been designed to be indistinguishable between the different types of housing to be provided.

5.23

The application is for 80% social housing in compliance with the SPG which seeks to avoid mono-tenure housing in the interests of sustainable and balanced communities.

5.24

The 103 apartments are created through a mix of 1, 2 and 3-bedroom units which are split between social housing on the six lower floors with the top 2 floors having the potential to be private, intermediate for sale or intermediate for rent.

Housing mix

5.25

Policy HOU6 applies. It requires that new residential developments on sites greater than 0.1ha and or/ containing 5 or more dwelling provide a suitable mix of house types and sizes to promote choice and assist in meeting community needs.

5.26

The exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

a. Up to date analysis of prevailing housing need in the area;

b. The location and size of the site;

c. Specific characteristics of the development; and

d. The creation of balanced and sustainable communities.

5.27

The requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.

5.28

The proposed housing mix is shown in the table below.

Unit Type	Number of Units	Percentage of Overall Total
1 Bedroom Apartment	31	30%
2 Bedroom Apartment	66	64%
3 Bedroom Apartment	6	6%

5.29

The Affordable Housing SPG notes that the current housing stock in Belfast consists of approximately 80% houses and 20% flats/ apartments, indicating that more flats or apartments are required to address the undersupply.

5.30

As can be seen, the proposal consists of a mix of unit sizes. The SPG suggests that more 3 and 4-bedroom apartments should be encouraged to meet the requirement for increased size, whilst promoting choice and facilitating the creation of sustainable and balance neighbourhoods.

5.31

Whilst a smaller number of larger 3-bed units is proposed, regard is had to the social housing mix supported by NIHE. Taking these considerations into account, on balance, the proposed housing mix is acceptable.

Adaptable and accessible accommodation

5.32

Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.

5.33

The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f.

5.34

The proposal includes 7 units which are dedicated wheelchair accessible apartments and are in accordance with the space standards for wheelchair housing as set out in Appendix C of the Plan Strategy. These units are located on the ground floor of the Marlborough House building and 1 unit located on the 1st floor of Marlborough House. This falls below the 10% threshold for accessible units, which would require at least 10 accessible units as part of the scheme. In the applicant's Supporting Planning Statement they state that "*The provision of 10% WC space standard units has not been met, however, this must be balanced with the needs of the NIHE waiting lists and the NIHE fully supporting the mix and provision proposed, which as social housing are built to Lifetime Homes standards with adaptability in mind.*"

5.35

In addition to the 7 units appointed as accessible units, other units within the development (e.g. units 6-003, 6-008 and 6-009) are compliant with the wheelchair space standards and could accommodate a disabled resident. Considering this and all other material considerations, on balance, the provision of 7 wheelchair units is considered acceptable.

5.36

Criterion h. stipulates that in-curtilage or designated car parking meets disabled parking standards. The proposal is "car free" development with no dedicated parking proposed. Criterion i. states that pathways should be wide enough to accommodate a wheelchair and have a firm surface of gently sloping surface. Access to the ground floor units is through the courtyard and wide footpaths of Victoria Street and Marlborough Street which are suitable for wheelchair use. At upper level the circulation routes between lifts and apartments are also suitable for wheelchair use. The applicant has provided evidence to show that the

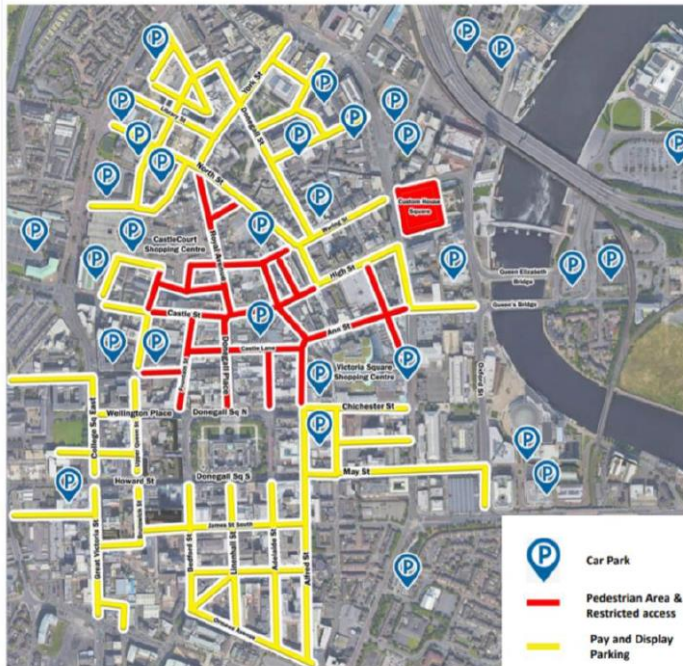
	<p>proposal complies with criterion j. to o. The proposal is considered acceptable having regard to Policy HOU7.</p> <p><u>Residential quality and impact on amenity</u></p>
5.37	<p>Policies DES1, DES2 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.</p>
5.38	<p>The orientation, layout and external design of the proposal has been directly informed by the site's constraints, including the location of the listed building within the curtilage of the site and retention of the existing concrete frame structure of Marlborough House.</p> <p><i>Overshadowing:</i></p>
5.39	<p>The building height will increase from 19.5m at Victoria Street to 25.2m and extends along the Marlborough Street and Princes Street elevations. Existing building heights on Marlborough Street are currently between 8.3m – 16.7m and no building is currently located on the Princes Street elevation where there is an existing single level car park located. The increase in height on Marlborough Street and Princes Street elevations will have the greatest impact in terms of overshadowing on the existing residential units to the north of the site at Queens Square Apartments.</p>
5.40	<p>Officers have assessed the level of overshadowing on the Queens Square Apartments to the north of the site for the following dates: June 21st (summer solstice), December 21st (winter solstice), March 20th and September 22nd (spring and autumn equinox). The most pertinent dates are the equinoxes (March and September). The south facing windows (2nd-8th floor) of the Queens Square Apartments relate to bedrooms as per the floor plans of application Z/1998/278. The ground and first floor show car parking and 4 terraces are located at 4 apartments on the 2nd floor.</p>
5.41	<p>When assessed from the Marlborough Street elevation of the development the results are as follows:</p> <ul style="list-style-type: none"> • 20th March - overshadowing of the existing apartments between 9am and 11am. • 21st June - overshadowing of the courtyard area of the site but did not reach the location of the apartments to the north. • 22nd September - small degree of overshadowing of some the apartments to the north in the morning from 8am – 12pm. • 21st December - overshadowing of the apartments between 9am and 12pm.
5.42	<p>When assessed from the Princes Street elevation the results are as follows:</p> <ul style="list-style-type: none"> • 20th March – overshadowing of apartments from 7am to 10am • 21st June – no overshadowing of apartments • 22nd September – overshadowing of apartments from 8am to 11am. • 21st December – overshadowing of a small portion of apartment block when the sun initially rises only.
5.53	<p>These results were compared with existing levels of overshadowing that would be experienced as a result of the design of the Queens Square Apartments itself. The Princes Street elevation of the Queens Square Apartments would cast a shadow on the apartments during the summer solstice and the autumn equinox in the early morning. The Victoria Street elevation of Queens Square Apartments would cast a shadow on the Princes Court</p>

	elevation of the same development in the evening time during both the spring and autumn equinox.
5.54	<p>It is an inevitable consequence in an urban environment to encounter some degree of overshadowing. Given the constraints of the site and other material considerations including the orientation of the site, the proposal is considered acceptable on balance in regard to overshadowing.</p> <p><i>Sunlight and daylight assessment:</i></p>
5.55	<p>The site falls within a high-density city centre location and as such daylight and sunlight levels are constrained, especially at lower floors and on elevations in close proximity with other buildings. The Daylight and Sunlight report highlighted that 52% of habitable rooms within the proposed scheme (Marlborough House) did not meet the recommended daylight levels whilst all rooms within Princes Court fell short. In relation to sunlight, 76% of the proposed dwellings in Marlborough House met or exceeded the recommendations with 98% of units having at least one main window facing within 90 degrees due south. However, within Princes Court all five dwellings fell short of the recommended limits. Amendments were made to the scheme to attempt to maximise daylight and sunlight levels, however the alterations were minor in most units and therefore the results from the original daylight/sunlight assessment noted above remain valid. Amendments include: Rooflights to apartments 2-015, 2-016 and 2-017 of Princes Court; amending layout of G-006 to ensure all windows are facing the street; altering layout configuration of G-001 and G-002 to ensure apartments are dual facing; layout alterations to apartment G-004 for bedroom window outlook into courtyard; layout alterations to 1-011, 2-011, 3-010, 4-010 and 5-010 to improve daylighting into one of the bedrooms; amendments to 3-001, 4-001, 5-001, 6-001 and 7-001 to improve natural light access to all bedrooms.</p>
5.56	<p>The BCC Urban Design officer notes that achieving full sunlight/ daylight standards within an urban context is challenging, especially where the repurposing of existing and listed buildings forms an integral part of the scheme. The amended daylight and sunlight assessment notes that the proposal has successfully optimised the daylight and sunlight provision as much as is possible given the historic setting, element of retained facades and location within the city centre with proximity to desired amenities. It should be noted that due to it being Listed, there are fewer opportunities to increase light opportunities within Prince's Court.</p> <p><i>Overlooking:</i></p>
5.57	<p>Windows on the façade of Princes Court are at a distance of 15.3m from south facing units of Queens Square Apartments. There will be four windows for habitable rooms on the 1st and 2nd floor of the Princes Court redevelopment which face towards the existing residential units of Queens Square Apartments. All other windows on this elevation do not facilitate habitable rooms. North facing windows on the proposed main apartment block are located 29m from Queens Square Apartments.</p>
5.58	<p>The Residential Design SPG suggests a separation distance of no less than 20m should be maintained between facing windows of main habitable rooms. However, the SPG goes on to states that development or redevelopment in inner urban locations and high-density areas such as the City Centre should also be designed to reinforce an urban rather than suburban setting. In these instances, separation distances of less than 20m may be acceptable.</p>
5.59	<p>Due to the refurbishment and reinstatement of the listed building on site, greater separation distance between the existing apartments and the proposed apartments of Princes Court is not possible. In this instance the lower separation distance is considered acceptable, and it</p>

	<p>is not considered that the creation of these apartments would have a harmful impact on the amenity of the existing residents of Queens Square.</p> <p><i>Space Standards</i></p>
5.60	<p>The proposal comprises a mix of studio, one, two and three-bedroom apartments. The proposed units are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy, also meeting the wheelchair standards for the relevant wheelchair accessible units.</p> <p><u>Open space</u></p>
5.61	<p>Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context. The normal expectation for open space provision is at least 10% of the total site area. Furthermore, complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.</p>
5.62	<p>Planning permission will only be granted for proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. An external communal courtyard has been provided measuring 245m², which is approximately 7.3% of the site.</p>
5.63	<p>The applicant's supporting statement addresses this deficiency by pointing out that the site is within close proximity to other open space and amenity areas such as the waterfront walkways, Queens Square, Custom House Square and Jubilee Square.</p>
5.64	<p>Policy OS3 states that on-site provision at a rate of less than 10% of the total site area may be acceptable where the residential development is close to and would benefit from ease of access to areas of existing public open space. Given the proximity of the site to public open space and the constraints that come with a change of use of an existing building within an inner city area, this is deemed to be acceptable.</p>
5.65	<p>Policy OS3 states that for residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The council will consider an exception to this requirement where a sufficient equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme and subject to the further provisions of this policy.</p>
5.66	<p>The applicant notes that in terms of actual equipped Children's Play provision, the nearest formal or substantive provision is at Buoy Park which is 0.4miles (640m) and Stewart Street at 0.7miles (1.1km) by foot. The applicant has made an argument for exemption from this policy criteria as the subject site measures 0.18 ha and is within the City Centre. They note that, <i>"Considering the further provisions of the policy would allow for an area of less than 10% communal space to be considered acceptable in a city centre scheme, it also stands that an equipped children's play area would not be a requirement for a city centre apartment scheme (where physical constraints prevent these requirements from being met). Considering the housing mix is primarily 1 -bed and 2-bed apartments, the housing allocations would be geared towards singles, couples and small families. "Small families" does not necessarily equate to young children that would require an equipped play area. The amenity provision has been designed to provide an external courtyard (landscaped with</i></p>

	<i>seating areas and pathways), community room within the listed building which can facilitate activities/events for younger children in lieu of the need for an equipped play area, and balconies in the individual apartments where they can be accommodated.”</i>
5.67	Given the City Centre location, constraints of the site and the limited amenity space available, it is considered that accommodating an equipped play area within the development would be to the detriment of the overall scheme and proposed amenity provision for the enjoyment of the majority of the residents. Due to the central location of the proposed development and nearby parks, on balance, the proposal is considered acceptable having regard to Policy OS3.
5.68	Policy RD1 criterion (d) requires new residential development to make provision for appropriate open space. The justification and amplification of this policy outlines that this may take the form of recessed balconies and roof terraces.
5.69	<i>Creating Places</i> advocates external private amenity space of between 10 and 30 sqm per residential apartment unit. This is accepted in the form of private communal open space in the form of landscaped areas, courtyards or roof gardens. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally, developments in inner urban locations and other high-density areas will tend towards the lower figure.
5.70	10 of the 103 apartments have private amenity space in the form of balconies, ranging in size from 3.6m ² to 10.1m ² . The total amount of private amenity space in the development is 56.1m ² . Communal external amenity space is measured at 245m ² . When combined, the total amount of external amenity space is measured at 301.1 m ² .
5.71	This would result in an average of 2.9m ² of private amenity space per apartment. This value is significantly below the minimum standard of 10m ² as per the guidance.
5.72	In this instance, having regard to the level of communal amenity space provided and the inclusion of the indoor amenity space, the location of the site, its immediate proximity to the city centre core, waterfront and other external public spaces, the approach to open space is considered acceptable on balance.
	<u>Access and transport</u>
5.73	The site is a highly accessible location within the City Centre in close proximity to shops, services, leisure and employment opportunities. The site is located in close proximity to a network of cycle routes, off-road cycle lanes, on-road cycle lanes and cycle parking facilities. It has very good public transport links through access to buses and rail. Provision is made for sheltered and secure cycle parking for 100 bicycles within the building at ground floor. The proposal accords with Policy TRAN1.
5.74	In order to promote sustainable modes of transport and reduce dependence on the private car, the following Green Travel Measures have been proposed as part of the development: <ul style="list-style-type: none"> - Provision of 103 covered cycle parking spaces - The provision of a Green Travel fund which will give residents the option to choose the travel measure that best suits their needs. The travel measures include a Travel Card; Belfast Bike Membership or Car Club Membership.
5.75	The travel plan and green travel measures, will be secured by means of a Section 76 planning agreement.

- 5.76 No dedicated in-curtilage general parking is proposed, and the applicant is promoting the scheme as “car free” development when marketing the apartments. It points towards the highly sustainable location of the site. Officers also have regard to the site’s proximity to public and private car parks and on-street parking which can be seen in the map below.



- 5.77 Having regard to the highly sustainable location of the site, proximity to other car parks and applicant’s commitments to green travel measure, the non-provision of dedicated general parking is considered acceptable.

- 5.78 In relation to disabled parking provision, again no specific in-curtilage parking is proposed. Regard is had to the very close proximity of the site to a number of public and private operated car parks located within the City Centre. The adjacent Donegall Quay car park located off Marlborough Street, approximately 75m from the site entrance, contains 4 disabled parking bays. An on-street disabled space is located on Donegall Quay. Hi Park, located at High Street, approximately 160m from the site contains 11 disabled parking bays and benefits from suitable pedestrian crossing facilities with dropped kerbs and tactile paving to support connectivity to the proposed development. There is ‘Pay and Display’ parking available along Victoria Street and Marlborough Street that is suitable for disabled parking.

- 5.79 The application is supported by a Service Management Plan (SMP) which will manage bin deliveries. Servicing will be co-ordinated and controlled to minimise disruption to the surrounding highway network.

- 5.80 DfI Roads have no objection to the proposal subject to compliance with the Travel Plan, Service Management Plan and secure and covered cycle parking facilities.

- 5.81 The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.

Design and placemaking

- 5.82 The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1, DES2, and RD1 of the Plan Strategy. Policies SP5 and DES1 promote good

	<p>placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development.</p> <p><i>Scale, height and massing:</i></p>
5.83	<p>The proposal re-utilises the existing concrete frame of Marlborough House with part-demolition of the building, along with the full demolition of adjacent buildings on Marlborough Street. The new apartment development proposes two additional levels to Marlborough House which are recessed back to achieve an appropriate scale of development along Victoria Street.</p>
5.84	<p>Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes on to list 11 criteria, a. to k.</p>
5.85	<p>The proposed 8-storey development with the upper 2 storeys set back maintains an appropriate shoulder height and draws on references from Malmaison. The proposed scale would not appear as a prominent feature on the Victoria Street/ Marlborough Street junction. The building has been appropriately scaled to sit comfortably as part of the wider cluster of buildings. The split set back of the upper two floors allows uninterrupted views of the Albert Clock, allowing it to remain a prominent feature.</p>
5.86	<p>Amendments were made to the elevational treatment to emphasise and promote vertical columns at ground floor level to follow the elevational language above with the use of inset brick areas. This adds depth to the façade, it reinforces the vertical emphasis and connection to the Albert Clock along with respecting the horizontal datum lines of the adjacent Malmaison Hotel.</p>
5.87	<p>The materiality of the development is key in helping the scheme integrate into the city whilst not detracting from the historic fabric, in particular the listed Malmaison building and also Princes Court. The proposed buff brick throughout with stone colour, stringer parapet detail and horizontal brick datum detailing (referencing Malmaison) is welcomed. The inset balconies and vertical brick recessed panels add depth to the façade and reinforce the vertical emphasis and connection to Albert Clock. The proposal is considered to respond positively to the surrounding built heritage and the open balconies on the corner maintain the prominence of Malmaison by keeping lines of sight open.</p>
5.88	<p>Contextually, the height of the building is considered sympathetic to its wider context and would be in keeping with existing building heights in the surrounding area. The scale, height and massing are considered to respond positively to the local context and character through architecture and urban form through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials. The proposal will be an improvement to what is currently featured on site while being sensitive to the historic buildings and features in the area.</p>
5.89	<p><i>Active frontage:</i></p> <p>The primary elevation along Victoria Street, ground floor plan shows entrance to one unit, legible entrance lobby and open alley into courtyard. The Marlborough Street elevation includes entrances to ground floor units and back of House uses (BOH) such as a large bin storage area. This has been placed along the south elevation to have least impact on the surrounding streets.</p>

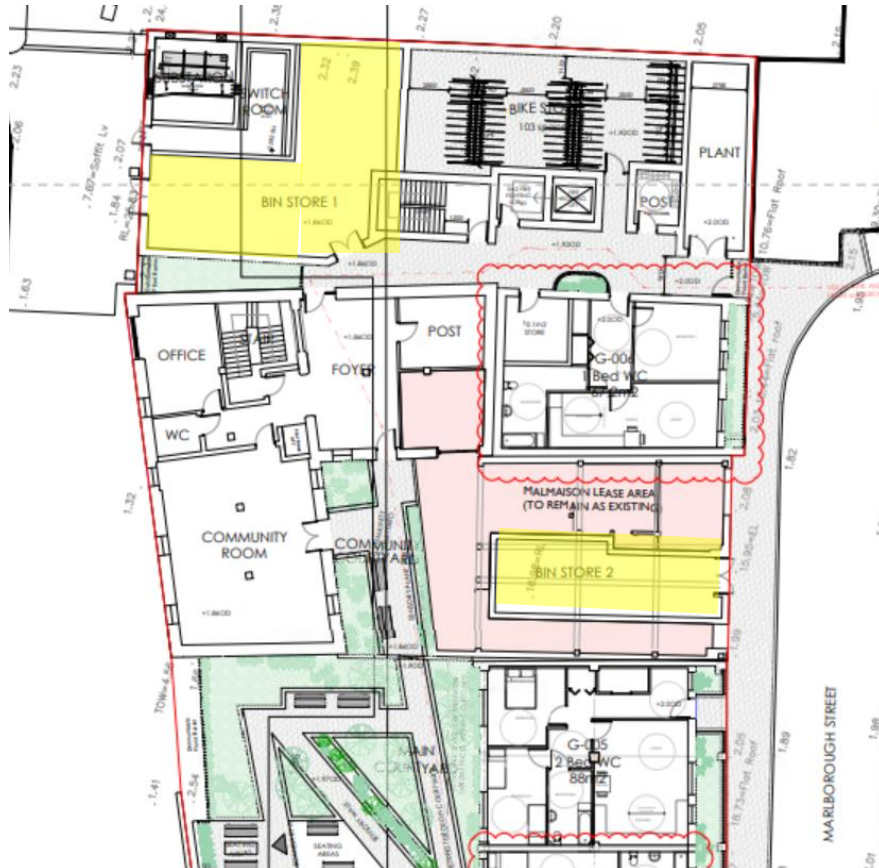
5.90	<p>Criterion f. of Policy DES1 requires the provision of active frontages to ensure vibrancy throughout the day. Glazing and lighting along the ground floor will assist in providing additional light in the evenings and views into/out of the building. On balance, the treatment of the frontages is considered acceptable.</p> <p><i>Siting and Alignment:</i></p>
5.91	Policy DES2 states that planning permission will be granted for Major development where it accords with the principles a. to j.
5.92	It is considered that the proposal adopts a holistic approach and allows the scheme to blend into the existing fabric of the area in a sympathetic and complementary way which is mindful of the historic built environment, adjacent residential complex and the Laganside Bus Station, with regards to its site assembly, layout and design. The proposal also promotes opportunities for urban repair.
5.93	<p>With regards to Masterplanning, the Design and Access Statement and submitted plans show how the development could be adapted at ground floor level in the future to respond to a changing context, such as street pattern and network being re-instated. The design of the Princes Street elevation has been carefully weighed against achieving an aspect for the proposed development but not to jeopardise the prospect of the bus station being redeveloped in the future.</p> <p><u>Impact on heritage assets</u></p>
5.94	<p>Policy BH1 seeks to safeguard the setting of Listed Buildings. The application site impacts upon and includes the refurbishment of Prince's Court (HB26/50/194) (Grade B2 Listed) and is also in the setting of the following which are all special architectural or historic interest:</p> <ul style="list-style-type: none"> • HB26/50/046 Malmaison Hotel, 34-38 Victoria Street (Grade B+) • HB26/50/055 Albert Clock, Queens Square (Grade A) • HB26/50/045 St George's Church, 105 High Street (Grade A)
5.95	Policy BH1 includes a number of criteria (a-e) for new development affecting the setting of listed buildings and further criteria for the alteration and extension of a listed (f-i).
5.96	The proposed new development is considered in compliance with all of the relevant criteria of Policy BH1. The proposed works to Princes Court will preserve, restore and complement the buildings features and are welcomed. Works to the listed building within the site are in compliance with the criteria of Policy BH1.
5.97	DfC Historic Environment Division (HED) has been consulted and is content that the proposal satisfies SPPS and the Belfast Local Development Plan Strategy (2035) policy requirements, subject to conditions.
5.98	The proposal is considered in compliance with Policy BH3 – Areas of townscape character as it is considered that the area's character would be enhanced, the built form is respected by way of height, scale, form, materials and detailing; there is no detrimental impact on the setting of the area or significant loss of views withing, into and out of the ATC and regard has been given to relevant SPG. There are no trees present on the site and therefore criterion c. does not apply.
5.99	Policy BH5 relates to archaeology with the Council seeking to conserve and where possible enhance archaeological assets. Consent will normally only be granted where criteria a. to d.

	<p>are met. The planning application is accompanied by an Archaeological Impact Assessment prepared by Farrimond MacManus. DfC HED (Historic Monuments) is content that the proposal satisfies Policy BH5, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. These measures will be required by condition.</p> <p><u>Climate change</u></p>
5.100	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.
5.101	The applicant has provided a Climate Change Statement which details the various sustainable design features which will be incorporated in the development. The development retains the structure of the existing building at Marlborough House and the listed building Princes Court. The retention of these buildings significantly reduces the amount of new material required for the development. The proposal is considered acceptable having regard to Policy ENV2.
5.102	Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposal is considered to meet to meet criteria b. in that the proposal incorporates various hard and soft landscaping elements at ground floor level to assist an overall sustainable drainage solution. Criteria d. is met through ceiling mounted heat recovery ventilation systems in accordance with CIBSE. Photovoltaic panels are also proposed within the development on the south facing roof area to generate 21,000whr (approx. 27-32 kw peak). Furthermore, criterion I. is met in that the site levels are designed to alleviate the flood risk from the development and maintain the safety of residents and their homes in the future. This is supported by the Flood Risk and Drainage Assessment (FRA/DA). The proposal is considered acceptable having regard to Policy ENV3.
5.103	Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The applicant has detailed SuDs measures within the submitted Drainage Assessment. In this assessment they have stated that the SuDs features have been tailored to available space within the development due to the constraints of the site which limit some SuDs systems, such as the storm sewer levels and the redevelopment of existing buildings within an urban setting. A portion of the site will comprise landscaped open space which will assist in the reduction of runoff from the formerly hard surfaced brownfield site.
5.104	The primary SuDs feature provided within the design of the courtyard is Bio Retention. These three areas will be vegetated with appropriate planting on engineered substrate to mimic the runoff from permeable surfacing and be constructed in line with the requirement of the SuDs Mannual (CIRIA C753). Bioretention systems (including rain gardens) are shallow landscaped depressions that can reduce runoff rates and volumes and treat pollution through the use of engineered soils and vegetation. They are particularly effective in delivering Interception and can also provide attractive landscape features that are self-irrigating and fertilising; habitat and biodiversity; and cooling of the local microclimate due to evapotranspiration. A Geocellular storage tank to be installed downstream of the bio retention areas to provide attenuation storage for exceedance events.
5.105	The proposal is considered acceptable having regard to Policy ENV5.

	<p><u>Health impacts</u></p>
5.106	<p>Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.</p>
5.107	<p>The site is located within a highly accessible area of the City Centre, within walking distance to a number of public transport hubs, open spaces and the waterfront. The location of the development and proximity to the City Centre lends itself to the use of active and sustainable travel. The inclusion of the Green Travel Measures and other initiatives lessen the need for the use of private cars. The apartment mix in terms of size and ownership creates a balanced community within the proposed development. The proposal would provide a well-designed and attractive living environment. The proposal is considered to satisfy the requirements of Policy HC1.</p>
	<p><u>Environmental protection</u></p>
5.108	<p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.</p>
	<p><i>Contaminated land</i></p>
5.109	<p>Environmental Health (EH) has reviewed the information within the Preliminary Risk Assessment by Foyle Consulting Engineers. This submission has identified that there is possible contaminant linkages present at the site. The use of the site in a former docklands capacity is identified as a potential source of contamination and it was concluded in the PRA that a site investigation and Quantitative Risk Assessment are required. It is noted that the site investigation cannot be completed until one of the buildings to the rear is demolished. EH recommends conditions in the event that planning permission is granted, including submission of a Quantitative Risk Assessment prior to commencement of the development. The proposal is therefore considered to accord with Policy ENV1.</p>
	<p><i>Air quality</i></p>
5.110	<p>EH has reviewed the MCL Consulting Odour Impact assessment; TSA Planning Transport Assessment; Studio4design Climate Change Statement and Studio4design Design and Access Statement. The EH response states that these documents have demonstrated that the development would not have an adverse impact on air quality in the vicinity of the site and that future users of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives. However, EH noted that the demolition/ construction phase was not assessed as part of the submitted AQIA. To ensure that there will be no significant adverse dust effects arising from the construction phase of the proposed development on sensitive receptors located in close proximity to the proposed development, EH requested the submission of a condition for a dust management plan. The proposal is considered to accord with Policy ENV1.</p>

	<i>Noise and vibration</i>
5.111	Having considered the applicant's Acoustic Report, EH is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.
	<u>Flood risk and drainage</u>
5.112	Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions. The proposal satisfies the exceptions test as it takes place on previously developed land.
5.113	DfI Rivers response states that they accept the logic of the Flood Risk Assessment and have no reason to disagree with its conclusions. They have reviewed the Drainage Assessment and notes that it states that flood risk to and from a portion of the development will be managed using SuDS. DfI Rivers states that it does not have the necessary expertise to assess the effectiveness of the SuDS measures. Officers have no reason to dispute the applicant's technical findings in respect of SuDS.
	<u>Waste-water infrastructure</u>
5.114	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm and detrimental impact on existing properties. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.
5.115	For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is considered acceptable having regard to Policy SP1A of the Plan Strategy.
	<u>Waste management</u>
5.116	In accordance with Policy RD1, new residential development should be provided with adequate space for daily segregation of recyclable materials and waste before it is moved to the communal waste storage area. The application is supported by a Waste Management Plan (WMP) which outlines the operational waste management measures.
5.117	The proposed WMP details three types of refuse and their collection frequencies: <ul style="list-style-type: none"> • General Waste: fortnightly collections • Dry Recycling: weekly collections • Organic Waste: weekly collections

5.118 Objections were received from residents of the existing Queens Square Apartments regarding the placement of bins on waste collection day alongside the existing collection for Queen's Square Apartments. To reduce these concerns and alleviate the pressure of waste collection on Princes Street, a second bin store has been proposed on Marlborough Street. The locations of both bin stores can be seen on the ground floor plan below.



5.119 The size of the two waste storage areas has been based on the estimated volume of each waste type. The collection of waste from both bin stores will be at an external collection point at Marlborough Street, collected by Belfast City Council weekly. BCC Waste management team confirmed that use of the Marlborough Street collection point was preferable. Waste containers can be easily removed from both bin stores to the street via dedicated entry points to allow for the safe and convenient collection on waste collection days. A nominated caretakers will be responsible for the management of bins and returning all bins following their collection.

5.120 The proposed waste management plan and arrangements are considered acceptable.

Natural heritage

5.121 Policy NH1 relates to the protection of natural heritage resources.

5.122 The site is not located to any designated sites, protected species or other important interests of biodiversity and geodiversity. The development will not have an unacceptable effect, either directly, indirectly, or cumulatively, on sites, habitats, species or ecosystems and networks that are important for their nature conservation, biodiversity or geodiversity value.

5.123 The proposal has given due regard to the protection of biodiversity, water quality, access and amenity through sensitive design, avoidance of instream works and appropriate

	landscaping. The development is considered to be adequately set back from the river Lagan so as to avoid any impact on the river. The site is located 121m from the River Lagan, located to the east of the site.
5.124	NIW have outlined in their response that the applicant will need to submit an application to NI Water for a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. A WWIA was submitted to NIW for assessment and the application will work with the NIW solution engineering team to deliver the proposed solution.
5.125	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. DAERA offers no objection to the application and has recommended a condition to require details of sewage disposal prior to commencement of development. The SES response states that having considered the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
5.126	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 30/04/2025. This found that the project would not have an adverse effect on the integrity of any European site.
5.127	Subject to abovementioned condition and the final response from SES, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the Strategic Planning Policy Statement.
	<u>Employability and Skills</u>
5.128	The Developer Contribution Framework requires proposals to make a contribution towards Employability and Skills where necessary.
5.129	The Council's Economic Development Unit advises that an Employability and Skills contribution relating to either the construction or operational phases should not be applied. The response states that: <i>'The Housing Association and Applicant have agreed to apply Buy-Social consideration in this case. Therefore, the contract associated with this development will be subject to Buy-Social considerations. It is recommended that Section 76 Developer Contribution clauses should not be applied for the construction phase of the development where Buy Social requirements are in place. Implementation of the Buy Social considerations applied to this contract will ensure that that social benefit is achieved using Targeted Recruitment and Training clauses ("TRT clauses"). TR&T clauses ensure ring-fenced opportunities for long-term unemployed people, young people leaving education/training (because of higher levels of youth unemployment), apprentices, and paid student work placements. This also includes promotional activities to increase awareness of opportunities, and robust monitoring and reporting by the Strategic Investment Board (SIB).'</i>
5.130	The response also notes that approximately 32 jobs will be created for the operational (occupation) phase. And it is considered that a Section 76 developer contribution relating to employability and skills in the operational phase should not be applied.

	<p><u>Section 76 planning agreement</u></p>
5.131	<p>If the application is approved, it should be subject to the finalisation of a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable.</p> <ul style="list-style-type: none"> • Social housing – to require the delivery 80% (82 out of 103 residential units) to be provided as Social Rented Housing • Green travel measures – a Travel Fund which will give residents the option to choose the travel measure that best suits their needs (travel card, Belfast bike membership or car club membership) will be secured • Listed Building – requirement for works to listed building to be completed within 2 years.
5.132	<p>A draft Section 76 planning agreement is underway and will need to be finalised before planning permission is granted.</p> <p><u>Pre-application Community Consultation</u></p>
5.133	<p>The application was preceded by a Proposal of Application Notice (PAN) submitted on 09.08.2023 which set out the applicant's proposals for pre-application community consultation. This was confirmed by the Council to be acceptable on 25.08.2023.</p>
5.134	<p>The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant.</p>
5.135	<p>The applicant actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement:</p> <ul style="list-style-type: none"> • Distribution of an information leaflet containing the details of the proposal, both the in-person and online PACC process and the avenues through which recipients could provide their comments and feedback; • Local stakeholder audit of all the local businesses and organisations located within the immediate area of the site. All businesses and organisations adjacent to the site boundary received a copy of the information pack. • Issued a press notice to highlight information about the proposals and provide notification of the public information event. • A virtual consultation website was hosted which allowed visitors to submit feedback. • Community exhibition event for visitors to view the plans and discuss with the design team present.
5.136	<p>The feedback from the public included concerns relating to loss of direct sunlight to Queens Square Apartments; placement and management of bins and lack of parking and potential impact on the community. These comments were reviewed and considered within the PACC report, detailing how the feedback was gathered, analysed, assessed and considered.</p>
5.137	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.</p>

6.0	Recommendation
6.1	The proposal would provide a significant number of new homes in a highly sustainable location and would support city centre living. The proposal would make very effective use of land, a finite resource. The provision social housing responds to the significant unmet need for social housing in the city. The scale, height, massing and design of the building are considered appropriate to the site's context. The approach to green travel is acceptable. The proposal would not have a harmful impact in respect of other land-use planning considerations.
6.2	It is recommended that planning permission is granted.
6.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, provided that they are not substantive.
7.0	DRAFT CONDITIONS <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site. Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car. 3. The development hereby permitted shall not operate unless in accordance with the approved Servicing Management Plan. Reason: In the interests of road safety and the convenience of road users. 4. Prior to occupation, the redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated. Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users. 5. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been prepared by a qualified archaeologist and implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council. The POW shall provide for: <ul style="list-style-type: none"> • The identification and evaluation of archaeological remains within the site; • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition.

	<p>No site works of any nature or development shall take place other than in accordance with the programme of archaeological work.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p> <p>6. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 5. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological programme of works.</p> <p>Reason: To ensure that the archaeological remains and features are properly analysed and recorded.</p> <p>7. Notwithstanding the submitted details, no external brickwork, windows or doors shall be applied, installed, implemented or carried out unless in accordance with a written specification and physical sample which shall have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p> <p>8. No development shall be undertaken (other than demolition) unless a written report demonstrating risks to environmental and human health receptors due to on-site contamination of the ground and groundwater have been effectively assessed has been submitted to and approved in writing by the Council.</p> <p>The report shall include site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities which took place at the site.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>9. No piling works shall be carried out unless a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and approved in writing by the Council. No piling works shall be undertaken unless in accordance with the approved details.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>10. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment shall consider the Foyle Consulting Engineers report entitled 'Client: Park Street Projects, Land Contamination Preliminary Risk Assessment, Marlborough House, 28 Victoria Street, Belfast, Date: September 2024' (Issue 3, Dated 6th October 2023). The Quantitative Risk Assessment shall follow best practice and include:</p>
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A detailed site investigation in line with BS 10175:2011+A2:2017 (or any standard that reproduces or replaces this standard). Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019 (or any standard that reproduces or replaces this standard).

A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665 (or any standard that reproduces or replaces this standard).

Based on the outcome of this risk assessment, a Remediation Strategy may be required and shall be submitted to and approved in writing by the Council. If necessary, the Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

11. In the event that a Remediation Strategy is required, prior to occupation or operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be completed by competent persons and be in accordance with current Environment Agency and CIRIA guidance and British Standards. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented, that they have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

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

12. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

13. No development shall be carried out unless a revised Noise Impact Assessment detailing the noise mitigation measures to be installed within the development to address road traffic/commercial noise impacts on future occupants of the proposal has been submitted to and approved in writing by the Council.

The Noise Impact Assessment, to be produced by a competent acoustic consultant, must be based on a representative background noise survey and demonstrate that the proposed sound reduction specifications of the façade/structural elements are sufficient to ensure that internal noise levels do not exceed:

- 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room with the windows closed and alternative means of acoustic ventilation provided;
- 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom with the windows closed and alternative means of acoustic ventilation provided;
- 45 dB LAmx more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided.

Reason: To safeguard the amenity of occupants of the development hereby approved.

14. Prior to occupation of the development, the noise mitigation measures and alternative means of acoustically attenuated ventilation, as approved under condition 13 shall be installed and retained thereafter.

Reason: To safeguard the amenity of occupants of the building hereby approved.

15. No development shall be carried out unless a Final Construction Noise Management Plan has been submitted to and approved in writing by the Council. The Plan shall include a programme of works, along with a community notification plan, and must clearly demonstrate the mitigation measures to be put in place to minimise adverse impacts from vibration and noise on nearby premises during the demolition and construction phases. All demolition and construction must thereafter be implemented in accordance with the approved Plan.

Reason: Protection of neighbouring amenity

16. Prior to occupation of the development, details of a mechanical ventilation system, which demonstrates that the location of the ventilation air intake for the Marlborough Street façade apartments is in accordance with the recommendations contained within Section 5 of the submitted MCL Consulting – Odour Impact Assessment, Marlborough House, Issue date 6/8/2024 - Issue 2, P3168, shall be submitted to and approved in writing by the Council. The ventilation intake point shall be installed in accordance with the approved details prior to occupation and retained thereafter at all times.

Reason: The protection of residential amenity

17. The development hereby approved shall not be occupied until the external main courtyard and internal community room have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times.

Reason: To ensure that a quality residential environment is provided for occupants of the approved development.

DRAFT INFORMATIVES

1. This planning permission includes conditions which require further details to be submitted to and approved by the Council. Please read the conditions carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
2. This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement.
3. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.
4. The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses can be viewed at <https://planningregister.planningsystemni.gov.uk/>.