

Development Management Report Addendum Report 2

Committee Meeting Date: 14th March 2023

Item Number:

Application ID: LA04/2022/1284/F

Proposal:

Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.

Location:

Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.

Referral Route: Major development

Applicant Name and Address:

Mandeville Developments NI Ltd

Agent Name and Address:

Turley
Hamilton House
3 Joy Street
Belfast
BT2

ADDENDUM REPORT

This report should be read in conjunction with Addendum Report 1 to the 14th February 2023 Planning Committee, the draft minutes to the same (see **Appendix 2**) and original officer report to the 17th January 2023 Committee, appended.

This application was previously considered at the Planning Committee on 14th February 2023. The Committee resolved to refuse planning permission, with the detailed wording for the reasons for refusal to be set out by officers at its next meeting. The reasons for refusal are to include the application's non-compliance with the Inner North West Masterplan, contravention of Policies QD1 of PPS7 and OS2 of PPS8, and Policy BH11 of PPS6 in view of the response from DfC Historic Environment Division.

Having regard to the resolution of the Committee, Members are asked to consider the following refusal reasons.

Non-compliance with the Inner North West Masterplan

1. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. The proposal, by reason of its excessive scale, height and massing, would prejudice the delivery of mixed-tenure housing on the adjacent existing car park site on Stephen Street and Little Donegall Street to the immediate north-west, which forms part of the Inner North West Masterplan area and is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014), through over-dominance, shadowing, impact on light, and inter-overlooking. The proposal is therefore contrary to the Inner North West Masterplan, in

conflict with zoning CC 04/03 of draft Belfast Metropolitan Area Plan (v2014), paragraph 6.136 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

2. The key objectives of the Inner North West Masterplan include the delivery of a variety of accommodation or tenures to support population growth and city centre living. There is extant permission for Purpose Built Managed Student Accommodation on the adjacent land to the north and south. Moreover, the existing car park site on Stephen Street and Little Donegall Street to the immediate north-west is zoned for social housing in the draft Belfast Metropolitan Area Plan 2015 (v2014) (zoning CC 04/03). The Inner North West Masterplan recognises that it is important that there is provision of well-designed public space and new open space which complete the network of public spaces to support new housing. The Inner North West Masterplan illustrative masterplan identifies the site for the location of new public space ("Union Square"). Whilst the proposal includes open space, it is private, and the proposal would prejudice the provision of much needed public open space to support new housing in the area. The proposal is therefore contrary to the Inner North West Masterplan, and paragraph 6.137 and 6.201 of the Strategic Planning Policy Statement.
3. The Union Street/Library Street area of the Inner North West Masterplan has a tighter grain characterised by historic buildings, terraced houses and industrial buildings. The proposal, by reason of its excessive scale, height and massing, would fail to respond to the existing urban context on Little Donegall Street and Carrick Hill, nor contribute positively to the cityscape and the legibility of the masterplan area. The proposal would therefore have an adverse impact on the character and appearance of the area, contrary to paragraphs 6.136 and 6.137 of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

Inadequate Open Space

4. The proposed development would provide 1,300 sqm of outdoor private amenity space (an average of only 1.6 sqm per student bed space), substantially less than the guidance contained in *Creating Places* of a minimum of 10 sqm to 30 sqm. Moreover, the proposal fails to provide public open space with the development with none of the exceptions criteria set out in Planning Policy Statement 8 having been satisfied. The proposal would provide a substandard level of private communal amenity space and public open space and would therefore create a deficient living environment for residents, contrary to the principles of good place making. The proposal is contrary to paragraph 5.20 of *Creating Places*, paragraphs 6.137 and 6.201 of the Strategic Planning Policy Statement, Policy OS 2 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation, and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments.

Impact on the setting of the Listed Frames Building

5. The proposed development, by reason of its excessive height, scale, massing and design, would have an over-dominant impact on the adjacent Listed Frames Snooker Hall (Nos. 2-14 Little Donegall Street) to the detriment of its setting. Therefore, the proposal fails to accord with the Conservation Strategy and Policy C4 of the Belfast Urban Area Plan 2001, paragraphs 6.12 and 6.13 of the Strategic Planning Policy Statement for Northern Ireland 2015, and Policy BH 11 of Planning Policy Statement 6: Planning, Archaeology and the Built Environment.

Upon preparing the refusal reasons it is apparent that a consultation response from DfC Historic Environment Division, dated 06 December 2022, was previously unavailable due to a technical issue with the new Planning Portal.

In that response HED advised that it is '*...content with the proposal, as presented, subject to conditions.*'

'The overall massing approach in the option shown in 'Planning Submission Response' dated 17th November 2022 is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond.'

A copy of HED's consultation response is provided in full at **Appendix 2**.

It should be noted that HED's advice is in relation to the previous scheme, with the proposal since amended to further reduce its scale, height and massing.

Recommendation

Members are asked to consider the draft refusal reasons listed above.

It is requested that delegated authority is given to the Director of Planning & Building Control to finalise the wording of the refusal reasons.

Appendix 1 – Draft Minutes of 14th February Planning Committee

LA04/2022/1284/F Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 862 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including café and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths. Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast

The Senior Planning Officer outlined the application for the erection of a Purpose Built Managed Student Accommodation (PBMSA) development on lands bounded by Library Street, Stephen Street, Little Donegall Street and Union Street. He highlighted the following key issues:

- Principle of development;
- Principle of Student Accommodation;
- Principle of proposed 'out of term' accommodation;
- Principle of ground floor café and retail units;
- Impact on Built Heritage;
- Scale, Massing and Design;
- Open Space Provision;
- Trees and Landscaping;
- Traffic and Parking;
- Impact on Amenity;
- Contamination;
- Impact on Air Quality;
- Noise;
- Odour;
- Drainage and Flooding;
- Waste Management;
- Other Environmental Matters;
- Impact on Protected Sites;
- Pre-application Community Consultation; and
- Developer Contributions.

He pointed out that since the initial report had been completed, a third party objection had been received and he explained the officers' response to the following areas of concern:

- Need for further student accommodation in an area where student accommodation was plentiful;
- No real benefits to the local community and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street); and
- Reduction of light to adjacent 'Factory Building' (apartments) and resulting loss of sunlight.

He outlined the consultations responses which had been received from the Council's Urban Design Officer, Shared Environmental Services, DfI Roads and the City and

Regeneration Team. He added that further supporting and technical information had also been received from the Planning Agent in response to DfI River's queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.

The Senior Planning Officer reported that it was recommended that the application be approved subject to conditions and the completion of an agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions, for the undernoted reasons:

- The development would contribute towards regeneration of entire city centre block;
- Creation of an internal landscaped courtyard;
- No adverse impact on built heritage;
- Need adequately demonstrated;
- Buildings step down in scale towards more domestic scale of Carrick Hill; and
- Four third party objections and one letter of support.

The Chairperson welcomed Ms. C. Ní Chuilín MLA and Mr. F. Dempsey, of Carrick Hill Residents' Association to the meeting.

Ms. Ní Chuilín stated that there was supposed to be 66 family homes developed in Nelson Street which had been subsequently designated to student accommodation, she added that Frederick Street Car Park had been considered for family homes and had been now designated as a car park for the university which had not alleviated the student carparking in residential streets.

She further pointed out other sites within the area which had been designated as student accommodation and stated that she believed that the application was not compatible with the Inner North West Masterplan.

She explained that she had been campaigning for regeneration in the area for a long time, but for buildings which were sympathetic to existing buildings and addressed the almost 3000 people living in housing stress which should be a material consideration as part of the planning application.

Mr. Dempsey stated that he felt the local residents had informed the developers during consultation and engagement that they were totally opposed to the development due to the detrimental effect it would have on the local community.

He outlined previous development plans for the area that the local residents had successfully campaigned against, and he asked the Committee to reject the application to benefit the local community.

The Chairperson welcomed Mr. P. Stinson of Turley and Mr. C. Deazley, of Like Architects, attending on behalf of the applicant, to the meeting.

Mr. Stinson stated that, contrary to a press article released in advance of the previous meeting of the Committee, he recognised that planning permission had not been granted and could only happen with the endorsement of the Committee and added that he had corrected the record with the reporter.

He explained that he had been involved with the site for many years and appreciated the sensitivities associated with how it fits with its neighbours. He outlined the consultation and engagement had been undertaken with local residents and understood their concern, and

that the approach to the design had been as sensitive as possible, particularly to avoid prejudicing future development of adjoining sites which were of importance to the local community.

He stated that the applicant's ambition was to have new bed spaces available for the start of the academic year in 2026 and that the Council had heard directly from the local universities that there was a continuing need for managed student accommodation in the city to support their current student numbers and aspirations for future growth.

He explained that the site was currently a surface level car park and was an opportunity site in draft BMAP and the Inner North West Masterplan, not zoned for any particular use, and that the masterplan referred to underutilised sites as key to the regeneration of the area and it supported densification.

He added that the site had been identified in the Belfast HMO Subject Plan as a Development Node which stated that planning permission would be granted for this type of development in such locations, and that the subject plan identified that PBMSA could meet any ongoing requirement for student accommodation.

He outlined the fundamental principles of the design which had been informed by a detailed analysis of the historic and evolving context in this part of the city centre and how it aligned with the Inner North West Masterplan and pointed out that the Council's Urban Design Officer and HED had offered no objection to the development.

He highlighted that, as was the case for most other student developments in the city centre, there was no proposed car parking, with secure cycle parking provision for 128 bicycles, and that the building had been designed to provide accessibility for all.

He concluded by stating that the development would bring much needed student accommodation within an HMO node, that would support the continued growth of student numbers in higher education and support the regeneration of the area, and that the design responded sensitively to its historic context and related sympathetically to existing and future development in the area in terms of its scale, form, massing and design.

The Chairperson thanked the attendees for their representations and asked the Members if they had any questions.

In response to a question from a Member regarding consideration given to the Inner North West Masterplan, Mr. Stinson explained that it had been considered and that the scheme had been amended to ensure that the proposal was compatible, however, the Member disputed this, stating that the proposal would overshadow and dominate any future residential development on Stephen Street Car Park and that the City Regeneration Team had raised concern with the development of the wider masterplan and not just height, scale and massing.

A number of Members raised concern with regard to the weighting of the Inner North West Masterplan, the concentration of student accommodation in one part of the city, accessibility, parking and the impact of the proposal on the local community.

The Senior Planning Officer explained that, given the accumulative nature of the number of students residing in the city centre, and the impact on the local community and amenities, that officers had considered in their assessment, the management plans secured through a Section 76 Agreement, to control the students within the site and the local vicinities.

The Planning Manager stated that the officer assessment had been conducted using a suite of relevant planning policies, that the appropriate weighting had been given to each of the policies, and that much greater weighting should be given to the statutory HMO Subject Plan in line with Section 6(4) of the Planning Act (Northern Ireland) 2015.

Proposal

Moved by Councillor Murphy,
Seconded by Councillor Maskey,

“That the Committee refuse to grant planning permission for the application, with the detailed wording for the reasons for refusal to be set out by officers at its next meeting. The reasons for refusal to include the application’s non-compliance with the Inner North West Masterplan.”

The proposer agreed, at the request of Councillor Groogan, to the following additions to be included in the reasons for refusal:

“Contravention of Policies QD1 of PPS7 and OS2 of PPS8, and Policy BH11 of PPS6 in view of the response from DfC HED.”

Councillor Hanvey declared that he would abstain from voting as he felt that his role and mandate as a Councillor had not been respected by the Chairperson.

The proposal, as amended, was put to the Committee and, on a recorded vote, seven Members voted for, four against and one no vote and it was declared carried.

<u>For 7</u>	<u>Against 4</u>	<u>No Vote 1</u>
Councillor Whyte (Chairperson); and Councillors Carson, Matt Collin, Garrett, Groogan, Maskey and Murphy.	Alderman Rodgers; and Councillors Douglas, Hutchinson and Spratt.	Councillor Bower.

Development Management Report

Addendum Report 1

Committee Meeting Date: 14 th February 2023		Item Number:
Application ID: LA04/2022/1284/F		
Proposal: Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.		Location: Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east) Belfast BT1 2JE.
Referral Route: Major Planning Application		
Recommendation: Approval		Approve - Subject to Condition and a Section 76 Agreement
Applicant Name and Address: Mandeville Developments NI Ltd		Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2

ADDENDUM REPORT

This application was previously considered by the Planning Committee on 17 January 2023. At the January Planning Committee, it was resolved to defer the application to enable consideration of a late report from the Council's City Regeneration and Development Unit, which includes reference to the Inner Northwest Masterplan.

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below (Appendix 1)

A Committee Site Visit took place on 2nd December 2022.

Since the initial report was completed, 1 letter of objection has been received, and consultation responses have been received from BCC Urban Design Officer, Shared Environmental Services, DFI Roads and BCC City and Regeneration Team. Further technical information was also received from the Planning Agent in response to DFI Rivers' queries in relation to storm water and allowance for urban expansion and climate change in drainage modelling.

An additional 83 residents were also notified (errors in accuracy of postal addresses originally pulling through from previous planning portal).

The issues raised in the objection letter will be addressed followed by a summary of the consultation responses.

1. Third Party Objection

- The objection letter raises the following points of concern:
- **Need for further student accommodation in an area where student accommodation is plentiful.**
- A Need for student accommodation was part of the initial assessment of the proposed development and officers are satisfied that a need for the PBMSA has been adequately demonstrated. The issue of Need is discussed further below in light of recent input from BCC Local Development Plan Team (Appendix 2). The site also lies within a Houses in Multiple Occupation (HMO) Development Node (Number 4/17 'Scotch Quarter' (as designated in the adopted Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015, and PBMSA is considered a form of HMO development. Policy HMO 3 of the HMO Subject Plan states that HMO development will be granted along HMO node frontages. All four sides of the proposed building lie within HMO frontages.
- **No real benefits to the local community, and noise pollution experienced from neighbouring Alma Place PBMSA (Library Street).**
- Community benefits are not a planning policy requirement for PBMSA applications. However, officers are of the opinion that the proposal, with appropriate management procedures in place and secured via a Section 76 planning agreement, will not result in any significant detriment to local residents by way of noise or general disturbance. In addition, Environmental Health has no objection in terms of noise/ disturbance.
- **Reduction of light into adjacent 'Factory Building' (apartments) and resulting loss of sunlight.**
- The section of the proposed building facing the apartment block on Little Donegall Street was reduced from 9 and a half storeys (sloping roof) in the initial proposal to 8 storeys but with the upper two storeys set back. The ridge height is reduced from approximately 31m to 28m, with a setback height of approximately 22m. Officers are of the opinion that this reduction in height means that the development will not have an unacceptable impact on the amenity of the existing apartments opposite the site.

2. Urban Design Officer (UD) Response

- UD comment regarding Façade Articulation - *Compared to earlier iterations, consideration has been given to breaking down what were viewed as long and largely uniform elevations, which is welcomed. This has been achieved through the application of two contrasting façade treatments around all four elevations, alongside a series of vertical and horizontal shifts in form.....Vertical shadow gaps of a bay's width have also been utilised to create discernible visual breaks between both treatments.*
- *Those more central framed brickwork sections allow for the establishment of shoulder heights that speak to the lower heights of adjacent buildings.....*
- *The dynamic sloped roof profiles at the taller corner locations, provide another contrasting element within the overall composition that adds to visual interest and nods to the varied and dense industrial roofscapes that were once a common characteristic of this historic area.*
- UD comments on ground floor activity - *The proposed GF plan includes a range of active frontages along the full extent of Union Street and Little Donegall Street, which are welcomed.*
- *A range of internal break out, study spaces and kitchen area extend along the length of Little Donegall Street, allowing for multiple views into and out of the building.....active uses along Little Donegall Street incorporate a dual aspect layout which allows for activity to be extended onto the sizeable internal courtyard/event space.*

3. Shared Environmental Services Response

- *Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises*

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.

- *In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned:*

Notwithstanding the submitted details, no development should take place on-site until the method of sewage/storm disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for private treatment plants associated with the development have been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.

Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Belfast Lough from adverse effects.

4. Technical response from agent to DFI Rivers queries:

- *It is confirmed that storm water will be controlled by a Hydro-brake flow control device. Additional Hydrobrake design drawing and hydraulic characteristics provided to confirm the flow control details. Also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.*
- *Additional Causeway FLOW results for the 1 in 100 year storm event including 20% provided. Proposed attenuation tank has a volume of 91m³. Results indicate very limited localised flooding of 0.1m³ which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.*
- *DFI Rivers Agency has been consulted for comment. These technical clarifications should address DFI Rivers queries. If any substantial matters arise in the final DFI Rivers response, these would be reported back to committee for members consideration.*

5. BCC City & Regen response

- *Whilst PBMSA supports regeneration, other housing tenures are required to create a balanced housing provision.*
- *The principle of PBMSA is considered acceptable at this location. The site is unzoned within a HMO development node. Policy HMO 3 of the Subject Plan states that HMO development will be granted along HMO node frontages.*
- *CRD would encourage a greater allocation of cycling provision to support the aspirations of BCCRIS.*
- *DFI Roads have no objection to the proposed cycle parking provision. 128 cycle spaces are provided.*
- *CRD would request clarity on what improvements are proposed to the pavements around the proposed building.*
- *Public realm improvements on the footpaths abutting the site will be secured via condition. The application site boundary incorporates the public footpath around the site.*
- *CRD would request clarity on how the proposed development connects to the city.*
- *The proposal has been assessed against the Inner NW Masterplan. The proposal provides connections from courtyard to street. There is no policy requirement to provide a public space and it would be inappropriate to provide public access into a private communal courtyard.*
- *The building ground floor layout should be reviewed to reduce the scale of dead frontage focused on one street.*

- The building occupies an entire city block. It is considered acceptable that three of the four frontages are active. In assessing the application officers sought to minimise the extent of 'dead frontage' at ground floor level.

- **A link to the Inner North West Masterplan is provided below:**
[Belfast Inner North West Masterplan \(belfastcity.gov.uk\)](http://belfastcity.gov.uk)

6. DFI Roads Response

- *Confirmation that reply of 02/12/2022 considered the technical note which was uploaded onto the old EPIC system and I note this document was also uploaded onto the new Public Portal on 26/11/2022. It is correct that my reply of 02/12/2022 did read "Dfi Roads acknowledges the document 'Technical Note - Response to DFI Roads'."*
- *The applicant has not adequately considered PPS3 - the provision of reserved disabled parking.*
- *The lack of disabled parking provision is not a road safety issue but it does impact on the amenity aspect of the development, in that disabled persons are potentially excluded from residing in this development. Planning Service should consider this amenity issue.*
- The officer opinion to approve remains unchanged. The issue regarding disabled parking was assessed in the original report. Two disabled car parking spaces have been identified by the agent in an adjoining car park. It should also be noted that blue badge holders can avail of existing on street parking on the streets surrounding the site without restriction. In the event that Planning Permission is granted DFI Roads has requested that the following conditions are attached:
 1. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.
REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.
 2. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure.
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.
 3. The development shall operate in accordance with the Service Management Plan.
REASON: In the interests of road safety and the convenience of road users.
 4. The development shall operate in accordance with the Travel Plan.
REASON: To encourage alternative modes of transport to the private car.

7. Agent's response on queries relating to Waste Management

- *Anticipated that all waste management functions (including on-site collection and utilisation of waste collection vehicles) will be undertaken by development management company and final plans agreed with the council.*
- *Members of the development management company waste management team will be solely responsible for the sorting and proper use of assigned bins within the internal bin stores.*
- *Bin stores only accessible to members of management team with access controlled.*

- *The waste management team will be on-site on bin collection days to ensure all bins are presented and removed from the street-side collection locations within 3m of the collection vehicle (as per SMP).*
- *Bin store size and locations have been designed to maximise space for the required number of bins and minimize impact on the general operation of the development.*
- *The Café/ retail internal layout will include provision of a standalone bin store which will only be accessible to employees of the unit. The size of the bin store will be sufficiently to accommodate the end user.*
- *A final waste management plan will be secured via planning condition.*

8. Further supporting information from agent

- *The site lies within HMO Development Node 4/17 'Scotch Quarter' of the HMO Subject Plan for Belfast (map no. 8 - Belfast City Centre). The Plan anticipates that (Policy HMO7) a significantly higher proportion of student accommodation will be provided by PBMSA. As set out in our Student Needs Assessment that has certainly been the case since 2015. Designation HMO4 of the plan provides justification for the choice of the various nodes as areas for HMO development.*
- *This proposal has the potential to increase the residential population of Belfast City Centre and will also result in the regeneration of this unsightly car park in an area that has been subject to much recent change. The site benefits from excellent connectivity to the surrounding area given it is bound on all sides by the existing city street network. It is within easy walking of the new Ulster University campus and the city centre as a whole.*
- *In relation to design, you are aware of the detailed discussions through the PAD and application process, the changes to the design that have come about as a result of those discussions and that the Urban Design officer and HED now have no objections to the development. Through these discussions an area of public realm has been created at the junction of Union Street and Little Donegall Street. This space will complement the pedestrianisation works that have been undertaken to the northern end of Union Street in recent month. The design at this location also successfully achieves a balance between public space and built form to address the relationship to Frames.*
- *You will be aware from our Design and Access Statement that the Inner North West masterplan has been an important consideration through the development of the design. Our 'Planning Chronology' document of November 2022 further considered the proposed development in the context of the Inner North West masterplan*
- *The officer report notes that we have a secure cycle storage area within the ground floor of the building. Access to this will be limited to residents only.*
- *The red line of the application incorporates the existing pavements around the building as it is intended to re-instate the pavements once construction works are complete. This has been done in line with the council's Developer Contributions Framework guide. You will see from the landscape plans that the central courtyard is a multi-surface space. The space is not limited to the courtyard as it connects the internal space through access ways to Library Street and the dedicated public space at Union Street (as referenced above).*
- *A Waste Management Plan was submitted with the planning application and we note the draft condition requiring a final plan to be agreed with council prior to occupation of the building.*

Summary

The late objection received has been fully taken into account. Amenity issues were previously assessed in the main report.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum. The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.

It is requested that authority be delegated to the Director of Planning & Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th January 2023	Item Number:
Application ID: LA04/2022/1284/F	Target Date:
Proposal: Erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	Location: Lands bounded by Library Street (to south); Stephen Street (to west); Little Donegall Street (to north); and Union Street (to east), Belfast BT1 2JE.
Referral Route: Major Development	
Recommendation:	Approval subject to conditions and a Section 76 planning agreement
Applicant Name and Address: Mandeville Developments NI Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
Executive Summary: This application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.	
Planning committee agreed to hold a preliminary site visit. The site visit took place on Friday 2nd December 2022.	
The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> - Principle of development - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of ground floor café and retail units - Impact on Built Heritage - Scale, Massing and Design - Open Space Provision - Trees and Landscaping - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise 	

- Odour
- Drainage and Flooding
- Waste Management
- Other Environmental Matters
- Impact on Protected Sites
- Pre-application Community Consultation
- Developer Contributions

The principle of Managed Student Accommodation is considered acceptable on the site and complies with the relevant policy and guidance on PBMSA. The scheme will reintroduce built-form and urban grain within an historic part of the city with a strong industrial heritage, whilst being sympathetic to the built heritage, existing context and residential amenity.

The proposed scale and massing are now considered acceptable, given significant design changes and a reduction in scale, particularly on Stephen Street. The design, detailing and materiality including tonal red bricked finish reflects the industrial character of this part of the city centre. Subtle detailing, including vertical breaks and shifts has helped break up what could be an imposing block and is considered to be a significant improvement to the previously approved apartment building's design and envelope (Z/2008/0655/F)

The site is ideally located to serve both Queens University and the newly constructed University of Ulster complex.

Although DFI Roads have raised an issue with the absence of disabled parking, this zero-parking scheme is consistent with previously approved city centre PBMSA schemes which also provided no in-curtilage parking subject to a robust Travel Plan. Two disabled parking spaces have been identified within an adjacent public car park.

A number of issues remain outstanding including responses from Shared Environmental Services, however the applicant, Mandeville Developments NI Ltd, has confirmed that it has secured a funding offer to proceed with the construction of the building and a main contractor is in place. Mandeville must complete and handover the project by late July 2026 to meet funding terms and operator requirements. The construction programme will run 2 years 9 months on site from a projected start on site Oct 2023 to a July/August 2026 completion.

The developer has confirmed that funding will not be released until the period for a potential Judicial Review (JR) challenge is expired. The programme then allows for a 16 week mobilisation period from May to August for Planning Commencement Conditions, Funding, Legals, Professional Appointments, Health and Safety, Building Regulations, Final Design and Contractual works. The Contractor would start initial site mobilisation late Aug/ early Sept 2023 for a full start on site Oct 2023.

The 2026 delivery programme does not allow for slippage. Losing a month at this point would seriously impact funding to the point of likely withdrawal due to the timescale restrictions around a 2026 handover. It has therefore become critical that the application advances to committee at this stage.

Mandeville Developments NI Ltd have confirmed that they remain committed to delivering the scheme to meet the clear and quantifiable need for Student Accommodation in the city.

DFI Roads – Objection
 DAERA – Approval subject to conditions
 Rivers Agency – Further info requested
 Belfast City Airport – No objection

Shared Environmental Services – Await response

Non-Statutory consultations

Environmental Health – Approval subject to conditions

Senior Urban Design Officer (SUDO) - Awaiting final response (however the SUDO was involved in design discussions and his comments have helped influence the amended design)

BCC Tree Officer – No objection

BCC City and Neighbourhoods Team – No objection

Environmental Health BCC – Approval subject to conditions

One third party objection received – set out and considered in the main report.

Recommendation

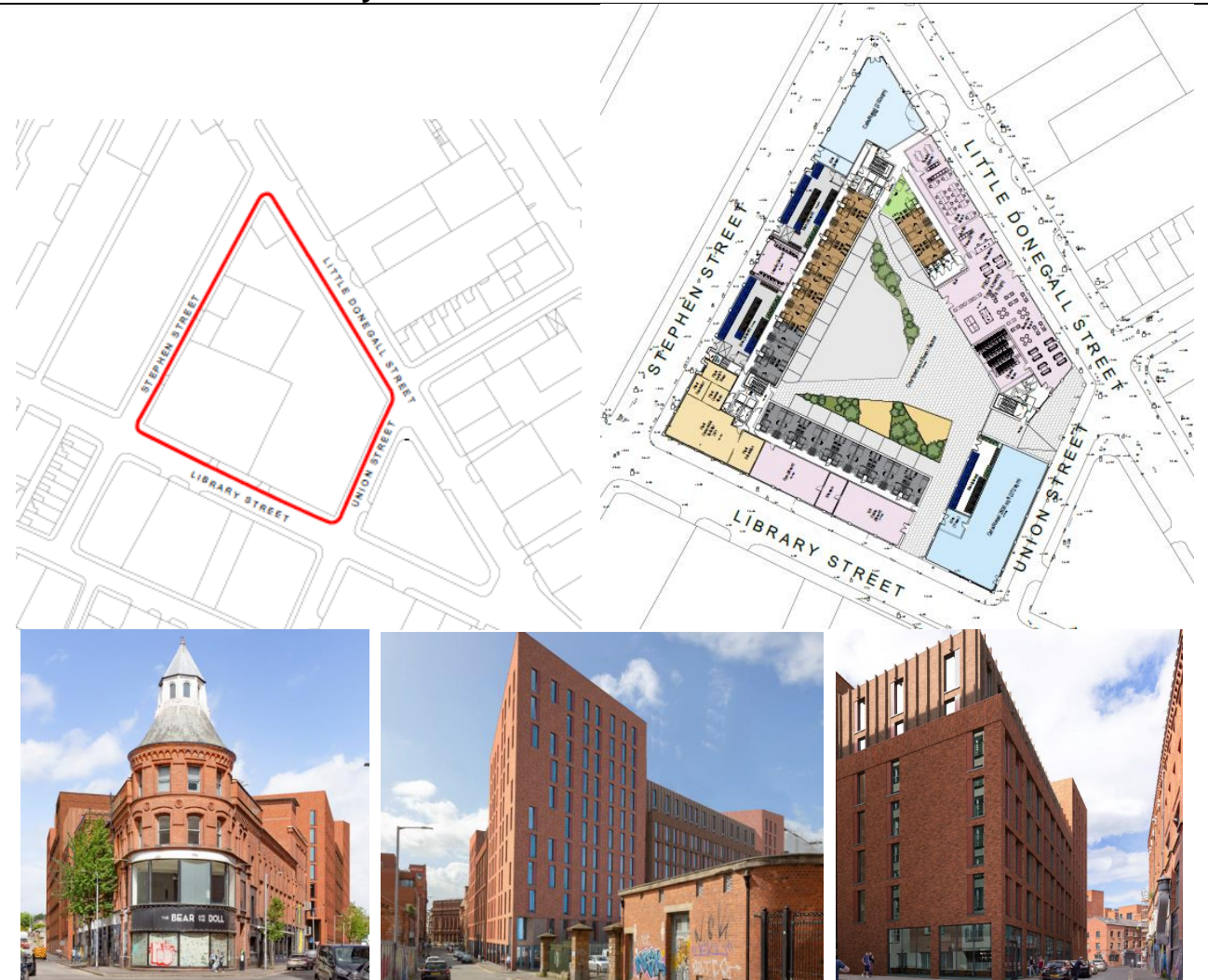
Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.

Signature(s):

Case Officer Report

Site Location Plan and layout



1.0	Description of Proposed Development
1.1	The application seeks full planning permission for Purpose Built Managed Student Accommodation (PBMSA) development comprising 795 units with additional use of accommodation by further or higher education institutions outside term time, communal facilities, internal amenity courtyard, cycle stores, active ground floor uses including cafe and retail, and associated bin stores and plant and public realm improvements to surrounding footpaths.
1.2	Permission is also sought for the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.
1.3	<p>The development includes:</p> <ul style="list-style-type: none"> - Apartment clusters comprising: 4-6no.single bedrooms each with double bed, study space and ensuite bathroom

	<ul style="list-style-type: none"> - Shared kitchen, living and dining spaces - Individual studios - 2no. commercial/retail units at ground floor level - Student amenity facilities comprising: Theatre, kitchen, Cinema room, Common social areas, Gym and Laundry - Ancillary facilities comprising: Secure cycle storage, Showers, Bin storage, plant space
2.0	Description of Site
2.1	The application site has an area of approximately 0.4Ha and gently slopes from Carrick Hill to the west towards Royal Avenue to the east. The difference in level between Stephen Street and Union Street is approximately 1m. Where the change in topography is most notable closest to Stephen Street, the fall across the site is more gradual.
2.2	The site is mainly comprised of a surface level car park located on the northern periphery of the city centre enclosed by roads on all four sides, with apartments and a new student accommodation block to the south, the Frames Snooker Hall to the east, a surface level car park to the west and a mix of uses, including an apartment block to the north along Little Donegall Street.
2.3	The surrounding area is mixed use in character and consists of residential and student apartment blocks and 2 storey terraced dwellings, retail units and warehousing along with a number of surface level car parks.
2.4	<p>The following zonings apply to the site:</p> <ul style="list-style-type: none"> - Belfast Urban Area Plan – unzoned whiteland - Draft Belfast Metropolitan Area Plan (2004) – part development opportunity site - Draft Belfast Metropolitan Area Plan (2015) – unzoned whiteland
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History on the application site
3.1	LA04/2008/0655/F - Mixed use development comprising of 253 no. apartments, retail units and associated basement car parking. Land bounded by Library Street, Stephen Street, Little Donegall Street, Union Street, Belfast. Permission Granted 25 th June 2009.
3.2	LA04/2015/0577/O - Application for a mixed use regeneration project comprising community, residential, commercial, local retail, leisure and managed student accommodation uses and areas of public realm. Lands located within the DSD Northside Development Area principally those located within the Clifton Street Gateway and Press / Library Quarter. Clifton Street Gateway includes lands bounded by Clifton Street Regent Street the Westlink and Trinity Street. Press / Library Quarter includes lands bounded by Donegall Street North Street Royal Avenue and Carrick Hill. Refused (ES) 18 th January 2016
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</p> <p>Belfast Local Development Plan Draft Plan Strategy 2035 (Draft LDP)</p> <p>Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'</p>
4.2	<p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p> <p>Policy Statement 6 - Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7 – Quality Residential Environments</p>

	<p>Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation</p> <p>Planning Policy Statement 12 – Housing in Settlements</p> <p>Planning Policy Statement 13 – Transportation and Landuse</p> <p>Planning Policy Statement 15 – Planning and Flood Risk</p> <p>HMO Subject Plan 2015</p> <p>Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note</p> <p>Belfast: A Framework for student housing and purpose-built student accommodation</p> <p>Creating Places</p>
5.0	<p>Statutory Consultees</p> <p>DFI Roads – Objection</p> <p>DAERA – Approval subject to conditions</p> <p>Rivers Agency – No objections</p> <p>Belfast City Airport – No objection</p> <p>Shared Environmental Services – No objection</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – Approval subject to conditions</p> <p>BCC Urban Design Officer – Await response</p> <p>BCC Tree Officer - No objection</p> <p>BCC City and Neighbourhoods Team – No objection</p> <p>BCC Economic Development Team – Await response</p>
7.0	<p>Representations</p> <ul style="list-style-type: none"> - One third party representation received <p>Concerns raised about the following:</p> <ul style="list-style-type: none"> - Scale, massing and façade design has an adverse impact and on character of neighbouring historic buildings including. - As will be discussed in detail below, the scale, massing and design has been amended substantially since the date of the objection (11/07/22) and is now considered to be sympathetic to the existing built context and historical assets. - Oversaturation of student accommodation in the immediate area. - The proposal has been assessed against relevant policy and guidance, which includes a requirement to demonstrate need. It has been found acceptable on the basis of the information provided by the applicant/ agent.
8.0	<p>Other Material Considerations</p> <p>The Belfast Agenda</p> <p>Inner North-West Master Plan</p>
9.0 9.1	<p>Assessment</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of ground floor café and retail units - Impact on Built Heritage - Scale, Massing and Design - Open Space Provision - Trees and Landscaping - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise

	<ul style="list-style-type: none"> - Odour - Drainage and Flooding - Waste Management - Other Environmental Matters - Impact on Protected Sites - Pre-application Community Consultation - Developer Contributions
9.2	<p>Principle of Development</p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p>
9.3	<p>Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (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. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>
9.4	<p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>
9.5	<p><i>Belfast Urban Area Plan (BUAP)</i></p> <p>The site is located on unzoned whiteland within the development limits of Belfast. Policy CC7 of the BUAP promotes the re-introduction of residential uses into the city centre.</p>
9.6	<p>The BUAP also sets out that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. Policy CC12 requires that buildings should relate sympathetically to their immediate surroundings. In this case the application site is surrounded by existing and proposed buildings ranging in height up to 11 storeys.</p>
9.7	<p><i>Draft BMAP (v2004 and v2014) designations</i></p> <p>In both versions of the draft Belfast Metropolitan Area Plan (v2014) the site is located on unzoned whiteland. In the Draft BMAP part of the site is identified as a development opportunity site (CC0039).</p>
9.8	<p><i>Draft Belfast Local Development Plan Strategy (Draft LDP)</i></p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPSS.</p>

9.9	Principle of Student Accommodation
9.10	Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating: Planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:
9.11	<ul style="list-style-type: none"> • <i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i> <p>The proposal is for 795 beds. Therefore this criteria is met.</p>
9.12	<ul style="list-style-type: none"> • <i>All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers).</i> <p>Not all units are self-contained with many rooms having no kitchen. However this is off set with the provision of communal kitchen and common room areas, located evenly around each floor and within a short distance of any of the smaller single bed units.</p>
9.13	<ul style="list-style-type: none"> • <i>The location is not within a primarily residential area uses.</i> <p>The site is located within the city centre off a main arterial route. The site is located a short distance east of the wider Carrick Hill area, and adjacent to existing apartment blocks on Library Street and Little Donegall Street. Whilst the site is not within a primarily residential area, when assessing the use as PBMSA located in proximity to a residential area, it is necessary to ensure there is no undue impact on amenity for existing residents. Environmental Health have no objections in terms of any potential impact on the nearest residential properties.</p>
9.14	<ul style="list-style-type: none"> • <i>Provision is made for management of all accommodation. This may require an Article 40 agreement with Belfast City Council (Section 76 under the Planning Act (Northern Ireland 2015)).</i> <p>An Outline Student Management Plan has been submitted in support of the application. There are numerous procedures set out to ensure:</p> <ul style="list-style-type: none"> - Reception Services - Online Tenancy Agreement and Handbook to provide guidance - Secured controlled access (fobs/ cards) - CCTV - On-site maintenance, repairs, inspections - Management of anti-social behaviour - Health and Safety Procedures - Complaints procedure - Liaison with PSNI
9.15	The Management of the scheme will be secured via a Section 76 Agreement. An Agreement has been submitted for approval prior the granting of planning permission. Management arrangements will be written into this agreement.
9.16	<ul style="list-style-type: none"> • <i>Landscaping and amenity space is provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i> <p>An externally enclosed courtyard is proposed, with an area of approximately 1,300 sqm. The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.</p>
9.17	The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided

	adequate requirements to ensure the landscaping features can form key parts of the proposal.
9.18	Internal amenity spaces have been provided in the form of a 'sky lounge' on the 11 th floor (circa 100 sqm), and 'social' amenity areas on the ground floor and mezzanine floor, totalling approximately 750sqm.
9.19	<p>The proposal has also been assessed against the Council's document 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'.</p> <p>Whilst guidance and not planning policy it is a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to:</p> <p><i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i></p> <p><i>B. Policy designations specific to the City Centre;</i></p> <p><i>C. Layout, design and facilities provided within the development are of high standards;</i></p> <p><i>D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;</i></p> <p><i>E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and</i></p> <p><i>F. The development meets and identified need for the type of accommodation proposed.</i></p> <p><u>Criteria (a)</u></p> <p>The site is located within 100 metres of the new University of Ulster Campus on York Street, 500 metres of Belfast Metropolitan College and within 2km of Queens University. The application site is also located within close proximity of Cathedral Quarter and Cityside Retail and Leisure Park, providing access to a range of services and facilities. Bus stops are located approximately 100 metres distant from the application site, providing Translink Metro services to the greater Belfast Area.</p>
9.20	
9.21	<p>The site is located within 800 metres distant from the Europa Bus and Rail Centre, providing rail and bus services across Northern Ireland and cross border to the South and a Belfast Bike docking station is located at Cathedral Gardens / York Street. The complex is ideally located within the city centre and complies with criterion (a).</p> <p><u>Criterion (b)</u></p>
9.22	<p>Requires the need to assess the proposal in relation to policy designations specific to the city centre. The site is located on undesignated land outside any conservation area of area of townscape character.</p> <p><u>Criterion (c)</u></p>
9.23	<p>As discussed in greater detail below, the proposal is in keeping with the existing built form in the area in terms of design and finishes, taking a cue in terms of heights and overall massing from the more established buildings in the area and the newly constructed and approved student blocks. In terms of the specified space standards the smallest units (bronze) have a floor area of 14sqm with the larger rooms (gold) having an area of 18sqm, both above the 9 square metres standard for 1-2 person rooms. A small number of larger units, shown in a pink wash and wheelchair accessible, have an area of approximately 20sqm.</p> <p><u>Criterion (d)</u></p>
9.24	<p>The impact on amenity will be discussed in detail below under 'Impact on amenity'.</p> <p><u>Criterion (e)</u></p>

9.25	<p>Requires that the development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. A management plan, prepared by Fresh Property Group, has been submitted in support of the planning application. This plan sets out a number of procedures to manage student behaviour and protect residential amenity. These include:</p> <ul style="list-style-type: none"> - Reception Services - An on-site management team to be put in place - Management of anti-social behaviour - Secured controlled access (fobs/ cards) - On-site maintenance - Complaints procedure
9.26	<p>Management of the PBMSA will be secured through a S76 planning agreement.</p>
9.27	<p><u>Criterion (f)</u></p> <p>There are 44,020 higher education full-time students in Northern Ireland (2020/21). Belfast is the 21st largest full-time student population in the UK (excluding Greater London). It is home to the four higher education institutions Queen's University Belfast (QUB); Ulster university (UU); Stranmillis University College; St. Mary's University College, as well as Belfast Met.</p>
9.28	<p>QUB</p> <p>Queen's University Belfast is the largest institution in Northern Ireland with 21,565 full-time students. This is more than a 35% increase in students since the 2007/08 intake, which was 15,880. UK full-time student enrolment in Queen's makes up 79% of the total enrolment in 2020/2021. 15,615 of a total 21,565 students in 2020/2021 were from Northern Ireland. The number of undergraduate full-time students at Queen's University Belfast has increased by over 20% and postgraduate full-time students has doubled in the last 10 years.</p>
9.29	<p>Full time international (including EU) students has been steadily growing throughout the years. The full-time international student enrolment has increased by 76% from 2016/2017 to 2020/2021.</p>
9.30	<p>In September 2021 Queen's University Belfast experienced a shortage of accommodation for its students and offered potential tenants at its own accommodation financial rewards for making alternative arrangements. This highlights a continuing and ongoing need for PBMSA in the city notwithstanding the currently available and under construction accommodation in Belfast.</p>
9.31	<p>The QUB accommodation website states the following, <i>"Elms BT1, Elms BT2, Elms BT9 and Queen's Houses offer you the all-important space to live and enjoy student life to the full."</i></p>
9.32	<p><i>Queen's currently has over 3,400 places in our student accommodation, which means you can take advantage of the most affordable, purpose-built student accommodation in the city."</i></p>
9.33	<p>As such, QUB only provides enough bed spaces for 3,400 of its more than 20,000 students. This suggests a significant need for additional bed spaces. This is supported by the following also taken from the QUB website that suggests there is even a shortfall of bed spaces for first years that would traditionally have stayed at QUB managed facilities.</p>
	<p>Ulster University</p>

9.34	Ulster University has four campuses across Northern Ireland; Derry/Londonderry, Coleraine, Jordanstown and the new Belfast campus with a total of 20,670 full-time students enrolled in 2020/21.
9.35	The creation of the new Belfast campus is expected to bring a benefit to the Northern Ireland economy of £1.4bn, according to an independent study by the OECD.
9.36	Investment in elite sport in Jordanstown will continue after 2022 and students will be able to avail of world leading practical facilities on campus as well and benefitting from the full range of teaching and social spaces in the nearby new Belfast campus.
9.37	In September 2021, Ulster University began a phased handover and onboarding to the new Belfast campus from Jordanstown. Once entirely complete, the new campus will host over 16,000 students and staff. With the addition of approximately 20,000 QUB students this equates to almost 40,000 students studying in Belfast.
9.38	The University's Belfast campus is currently only partially open and is scheduled to fully open in September 2022. Once fully operational this will have a significant impact on Belfast city centre and the preference for students to live close to the university.
9.39	In the Statement of Need submitted in support of the application it is stated that 'circa 7,000 PBSA bed spaces have been granted planning permission and approximately 4,500 beds are currently available. This is approximately 10% of the total student population in Belfast. When considered alongside the existing housing and university halls of residence we contend that there remains a significant need for PBSA to meet the shortfall'.
9.40	<p>Principle of proposed 'out of term' accommodation</p> <p>The proposal also includes the use of the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.</p>
9.41	<p>This proposed use will contribute towards the viability of the scheme and will be subservient to the main function to provide accommodation for students. It is proposed to restrict this use to those associated with Further and Higher Education Institutions through the Section 76 Agreement. In light of the above, the proposed ancillary use as out of term accommodation is considered acceptable.</p> <p>Principle of Retail/ Café Units</p>
9.42	The proposal includes two separate café/ retail units at ground floor, one located at the junction of Little Donegal Street and Stephen Street, with a floor area of 202 sqm. The other is located at the junction of Union Street and Library Street and has a floor area of 272 sqm.
9.43	<p>The proposal has been assessed against the SPPS and Draft BMAP. The proposed retail/ café units will introduce a more vibrant ground floor use which creates a more active street frontage onto the streets around the site which have recently become characterised by ground floor vacancy. Although located outside the primary retail core the unit sizes are modest in scale (202sqm and 272sqm) and is on a site where there were a number of retail units in the previous building, now demolished. Given the floor area the retail offer will not threaten the primacy of the retail core.</p> <p>Impact on Built Heritage</p>

9.44	<p>Historic Environment Division has commented that the proposal has the potential to impact upon the setting of a number of listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.</p> <ul style="list-style-type: none"> - HB26 50 280 Frames Snooker Hall, 2-14 Little Donegall Street, Belfast Grade B1 - HB26 50 065 Central Library, 126 Royal Avenue, Belfast Grade A - HB26 50 189 Irish News Office, 113 Donegall Street, Belfast Grade B - HB26 50 077A St. Patricks Church, Donegall Street, Belfast Grade B+ - HB26 50 077B St. Patricks Parochial House, Donegall Street Grade B2 - HB26 50 077C St. Patricks School, Donegall Street Grade B1
9.45	<p>HED Historic Buildings (HED:HB) has considered the effects of the proposal on the listed building and on the basis of the information provided give the following initial advice: HED: HB advises that the proposals may have an adverse impact. Upon receipt of requested information being provided HED:HB can assess the impacts of the proposal under the policy requirements of the SPPS (Para 6.12) and Policy BH11 of PPS6.</p>
9.46	<p>Presently used as Library Street public car-park, this application proposes the reinstate the historic urban grain. Arguably the listed building most affected by the proposal will be the Frames building located to the other side of Union Street. Frames Snooker Hall is a Grade B1 listed building with a 'dramatic eastern curved frontage with its four storey conical tower commanding a view of the Royal Avenue-Library Street junction.' (HED 2nd survey, 14th February 20). HED, having reviewed the submitted plans and supporting information, considers the proposals provide a balanced backdrop to the listed building without competing visually with this important architectural feature. HED considers the concept of a set-back on the Union Street and Library Street corner to the rear of Frames Snooker Hall an appropriate response which ensures the proposal responds to the parapet height of the rear block of the listed building. This will be prevalent on the approach to the site along Union Street from the north and south.</p>
9.47	<p>HED states that 'the overall massing approach is acceptable with the increased height and volume of the proposal focussed on the north-west of the site and stepping down to respect the setting of the more intimate historic Victorian context of Union Street and beyond' and considers the additional height gained by the roof-form (beyond the immediate backdrop of Frames Building) will not adversely affect the setting of St. Patrick's Church or other listed buildings in the vicinity.</p>
9.48	<p>HED considers the façade treatment and materiality of the proposals generally comply with BH11 of PPS6 in that '(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building'. The red-brick responds to the materials found on Frames Snooker Hall and Belfast Central Library. HED consider the vertical proportions of the openings to be appropriate.</p>
9.49	<p>Scale, Massing and Design</p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The application site is located to the north-west of Belfast City Centre, directly behind 'Frames Snooker Hall' and it forms an intermediary context between the higher city centre development and the more domestic scale of the buildings in Millfield and Carrick Hill and Belfast City Centre.</p>
9.50	<p>Consideration of scale, mass and height within the immediate context of the Frames Building is important, particularly on approach from Royal Avenue, where the vistas along Library Street and Little Donegall Street are relatively intact. Maintaining the silhouette of the Frames Building has been achieved successfully with the shift in scale to the west along Library Street and Little Donegall Street responding to the shift in scale of built form</p>

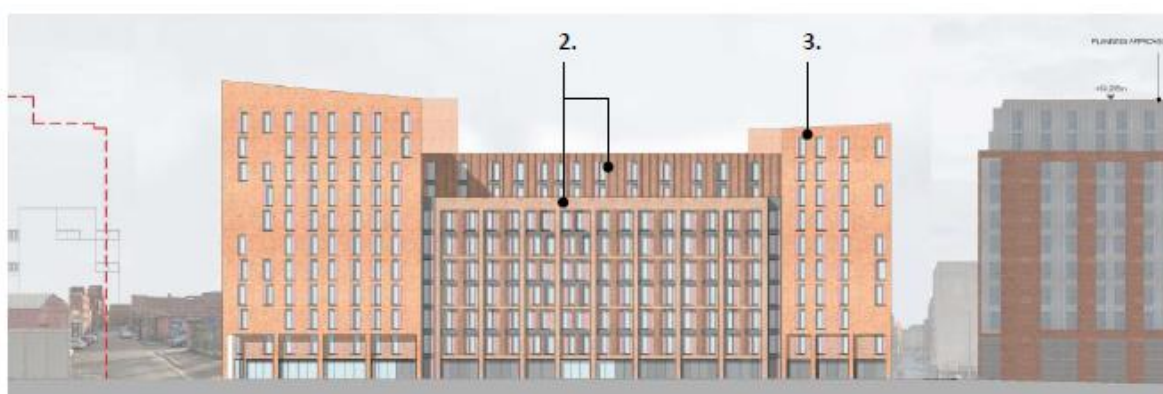
which rises towards Carrick Hill with the approved PBMSA schemes to the north and south of the site (one under construction). The visual primacy of the Frames Building, when viewed from Royal Avenue is preserved and illustrated in the CGI below:



9.51 The scale and massing of the proposal has been reduced significantly from the initial submission in order to break up what was quite an imposing building over the entirety of this inner city block. The following changes have taken place in order to address Officer's concerns about overall scale and form:

- A reduction in the shoulder height along Little Donegall Street by 1 storey. The facade in the central portion reads as 6 storeys with a 2 storey set back above.
- A reduction in the shoulder height of the central portion of the façade along Stephen Street by 2 storeys and overall reduction of 2 floors from the overall building height. The facade in the central portion reads as 7 storeys with a 2 storey set back above.
- A reduction in the building height on the corner of Stephen Street and Library Street by 1 storey.

9.52 The proposed building has a maximum height of approximately 41m at the junction of Stephen Street and Little Donegall Street. Although notably higher than the four storey development along the Carrick Hill frontage the height will be comparable to the approved PBMSA scheme to the immediate north and the scheme under construction to the south as shown below:



Stephen Street

9.53 The approved scheme to the north will also screen the proposal from views approaching the city centre from the north-west along Clifton Street from Carlisle Circus. The mid-section of the Stephen Street elevation has also been reduced in height with a seven

storey shoulder height (26m), nine storeys in total, with a height of 32m. This helps respect the transition in scale between the city centre and the more domestic scale of the two storey and four storey properties located to the west facing onto Carrick Hill. It will ensure that the existing car park site on Stephen Street, the subject of potential future development within the Inner North West Masterplan, can successfully 'bridge the gap', in terms of built form between the scale of the proposal and the residential properties to its immediate west.

9.54

The route from Kent Street along Union Street emphasises the role that the development can play in balancing the form and mass of the Frames Building, with the shoulder height of the Union Street elevation, including a setback, complimenting the shoulder height of the Frames Building. This is illustrated in the CGI below:



9.55

The subdivision of elevations along Little Donegall Street, Stephen Street and Library Street is achieved through the creation of vertical breaks and set backs along each elevation. A tripartite arrangement of building forms reduce the plot width on these elevations. The overall mass of the development is broken down by bays of inset fenestration that suggest several, linked urban blocks. This is shown on the elevation below:



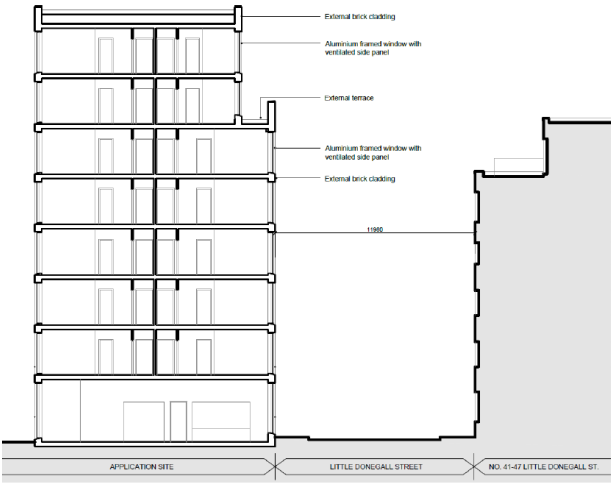
3. LITTLE DONEGALL STREET ELEVATION

9.56

Large format glazing at ground level with double height openings helps establish a rhythm of bay's on key elevations, as above.

	<p>In terms of finishes the subtle tonal variations in the brick, particularly along Stephen Street, accompanied with significant vertical design features, will help avoid an imposing, uniform, engineered appearance. The architecture within the wider context is characterized by its extensive use of Belfast brick. Masonry plinths are either contrasted through colour or tonally complement the brick facades on upper levels.</p>
9.57	<p>Although a formal response from BCC Urban Design Officer remains outstanding it should be noted that he has been heavily involved in a number of productive discussions and workshops throughout the course of the application and is now fully supportive of the scheme subject to recent changes to address issues around scale, massing, roofscape, setbacks and detailed design.</p>
9.58	<p>Open Space Provision</p> <p>The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.</p>
9.59	<p>An external courtyard provides an amenity space of approximately 1,300 sqm. Other external amenity areas include a ground floor break out area and cinema room with an area of approximately 750sqm. The total amount of external amenity space equates to approximately 1,300 sqm.</p>
9.60	<p>The internal and external open space/ amenity areas total approximately 2050 sqm, providing approximately 2.6 sqm sqm of amenity space per unit. This is below the 10sqm per unit requirement in 'Creating Places' however given the sites inner city context and the number of communal dining areas on each floor this level of provision is considered acceptable.</p>
9.61	<p>Trees and Landscaping</p> <p>There is one street tree which is outside the red line boundary along Little Donegall Street, the tree is shown as being retained as part of the application. BCC Tree Officer has stated that the tree should not be impacted upon during construction works such as the erection of scaffolding / storage of materials on the rooting area or damage by diggers / machinery etc. The tree should be protected through tree protection fencing in the appropriate locations.</p>
9.62	<p>The proposed internal courtyard is seeking to plant 5 x semi-mature birch trees - betula jacquemontii within the share space.</p>
9.63	<p>BCC Landscape Planning and Development team are supportive of the proposed hard and soft landscape details including high-quality natural stone surfacing within the proposed internal courtyard and event space. We welcome the inclusion of a high quality, robust landscape materials palette that complements the surrounding townscape character.</p>
9.64	<p>The Landscape Management and Maintenance plan is deemed appropriate in terms of how landscaping within the site shall be future managed, cared for and provided adequate requirements to ensure the landscaping features can form key parts of the proposal.</p>
9.65	<p>Traffic and Parking</p> <p>The proposal does not include car parking. DFI Roads has stated that as Purpose Built Student Accommodation (PBSA) is considered to be residential, it is therefore categorised accordingly under dBMAP TRAN 1 Residential Units. As the development proposal is within an area of Parking Restraint, parking reductions are applicable.</p>

	However, DFI Roads has stated that consideration should be given to accommodating 4% of residential requirement for disabled users in the form of in-curtilage parking.
9.66	PPS3 Policy AMP7 Page 32 states "In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided."
9.67	However, there is no specific quantum of disabled parking required by Planning Policy or associated guidance, simply 'a proportion of the spaces to be provided', as stated above. In this case there are no car parking spaces provided. In light of DFI Roads concerns the planning agent has identified Two disabled parking spaces within an adjacent car park, accessed off Little Donegal Street.
9.68	The proposed development has included external design features that aid accessibility to the development. It is located to the rear of the public footways with level access provided to the building. As a car free development, pedestrian access is prioritised within, and around the site.
9.69	As a Student Accommodation development, the site layout is designed to provide ease of access to the main pedestrian desire lines to/ from university sites and further educational campuses.
9.70	The proposal also includes 128 No. cycle spaces, located within an internal storage area at ground floor level on Library Street.
9.71	In order to capitalise on the highly sustainable city centre location of the application site, the Travel Plan, which accompanies the planning application includes a number of measures to encourage the use of non-car modes of travel. A Travel Plan Co-ordinator will be appointed by senior management to oversee the implementation and operation of the Travel Plan and will be responsible for the promotion of cycling, walking and public transport amongst residents, staff, and visitors.
9.72	The principle of a zero parking scheme is essentially accepted by DFI Roads, and other PBMSA proposals have been approved with zero parking in the city centre. There is no specific policy requirement for disabled parking, simply a statement within PPS3 that such parking would be desirable. Officer's have considered the possibility of introducing a condition requiring a number of disabled parking spaced being reserved within the vicinity of the site however given the absence of any control of the lands by the applicant such a condition would not be reasonable.
9.73	DFI Roads state that the proposal in its current form is unacceptable, however given the points above and the absence of policy in terms of requiring a specific quantum of disabled parking spaces for residential development, it is not considered that the proposal could be refused on this basis. The proposal is therefore on balance considered acceptable.
9.74	<p>Impact on amenity</p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built form such as that proposed will inevitably have an impact on properties within the vicinity of the site. However the design has been amended during the course of the application to ensure any impact on adjacent residential properties will not be significant. There are apartments block across fort the proposal on both Library Street and Little Donegal Street.</p>

9.75	<p>To the north of the site, the consented 140 Donegall Street scheme is approximately 10 metres away across the Donegall Street, to the east is the Frames building (2-14 Little Donegall Street), and to the south west are the Library Court (another student accommodation building currently under construction) and the Library Square Penthouse, separated by the 8 metres wide Library Street. The west is the least obstructed side and faces onto an existing surface level car park with the two and four storey residential terrace facing onto Carrick Hill located immediately west of this car park. The car park providing a suitable separation to ensure there will be no significant impact on the amenity of the apartments and housing on Carrick Hill.</p>
9.76	<p>The section below shows how the shoulder height of the mid-section of the building along Little Donegall Street has been dropped to six storeys to address the potential impact on the apartments across from the site:</p> 
9.77	<p>On Library Street the height of the proposal is comparable with the scale of the apartment block and the Student Block (under construction) opposite the site. This juxtaposition of high rise blocks is not uncommon within the city centre.</p>
9.78	<p>The robust management of student behaviour at large scale purpose-built student accommodation schemes is critical to the integration and success of these large schemes as well essential to protect the residential amenity of existing residents of the area. No Student Management Plan has thus far been submitted for review.</p>
9.79	<p>The submission and implementation of a student management plan will be secured through a Section 76 Agreement.</p>
9.80	<p>Contamination</p> <p>A Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) was submitted with the application. The PRA identified potential contaminant linkages on the site resulting from potential on-site and off-site sources of contamination. The on-site sources were identified as the potential presence of reduced quality made ground associated with historical development and potential contamination associated with the historical industrial use of the site. Potential off-site sources were identified as made ground from historical development within the surrounding area, and historical and current industrial land uses located within the vicinity of the site.</p>
9.81	<p>Soil and groundwater samples were taken and analysed for relevant contaminants of concern. Any exceedances are not considered to pose a risk via direct contact pathways</p>

	as they are located in areas of the site which will be covered by the proposed building. No free phase contamination was noted during the site investigation or within the subsequent groundwater monitoring works.
9.82	RSK have therefore concluded in Section 8 of the report that the underlying soils and groundwater do not pose an unacceptable risk to human health, and that no special gas protection measures are required within the proposed buildings.
9.83	Therefore, on the basis of the information submitted Environmental Health has requested that a condition is attached to demonstrate the successful completion of remediation works and that the site is now fit for end-use. This condition is detailed below.
9.84	<p>Impact on Air Quality</p> <p>As part of Air Quality Impact Assessment Irwin Carr consultants have undertaken a desktop study to include an analysis of the existing air quality situation in the vicinity of the site and an examination of the potential impacts the proposed new development may have.</p>
9.85	No car parking spaces are to be provided as part of the proposed development; moreover, traffic flow associated with the proposed development is predicted to decrease compared to the existing car park remaining in use.
9.86	Consequently, Irwin Carr have concluded that the potential impact associated with road vehicle exhaust emissions from the operation of the proposed development is considered to be negligible.
9.87	Moreover, Irwin Carr have stated within the provided assessment that the proposed development is unlikely to introduce a centralised energy centre or any form of substantial combustion plant. At the current stage of development, it is predicted that Air Source Heat Pump (ASHP) infrastructure to provide a renewable source for heating and hot water demand will be installed as part of the proposal. Furthermore, electrical demands are anticipated to be made directly from the national grid.
9.88	Consequently, Irwin Carr have advised that the proposed development will give rise to a negligible impact upon local air quality conditions with respect to centralised combustion sources.
9.89	Subsequently, Environmental Health Service are of the view that the Air Quality Impact Assessment sufficiently demonstrated that the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives.
9.90	However, details of proposed heating systems are not confirmed at this stage. Environmental Health advise that any combustion plant where the single or combined NOx emission rate is more than 5mg/sec could give rise to impacts. In view of this, Environmental Health has recommended that the following condition is attached in the event that planning permission is granted:
9.91	<p>Noise</p> <p>The Noise Impact Assessment (NIA) submitted with the application includes a baseline daytime and night-time background noise monitoring survey undertaken at two locations within the surrounding area.</p>
9.92	The Noise Impact Assessment highlights that the noise environment was from road traffic

	noise in both locations. A computer noise model was used to predict the noise impact at each of the facades of the development.
9.93	The Acoustic Consultant has quantified the required mitigation and has recommended the provision of standard double glazing 4/12/4 which shall include an alternative form of ventilation to ensure windows can be kept shut to maintain the noise insulation specification of the window units. The NIA advises that it is not yet confirmed, but alternative ventilation may comprise trickle vents and some form of continuous mechanical extraction.
9.94	The NIA considers the potential impact from a nearby approved roof terrace/beer garden at the Shoe Factory on Union Street. Environmental Health is satisfied in this instance that patrons and music should not have a negative impact on the proposed development, on the basis of the information presented in the NIA.
9.95	In terms of the impact from the proposed ground floor gym to adjacent ground floor apartments and apartments directly above. The report concluded that separating walls and floor constructed of a 200mm concrete slab between the ground floor and first floor apartments would be required.
9.96	Subsequently, Environmental Health has requested that a number of conditions are attached to ensure that there is no significant impact on the amenity of prospective residents.
9.97	<p>Odour</p> <p>The Odour Impact Assessment report assessed the proposed development of two café and retail areas on the ground floor and concludes that a 'high level of odour control' will be required within both of proposed café/retail units. The assessment was based on the following criteria for both proposed units – an extraction ventilation riser that discharges 1m above roof level with a discharge rate of 10-15m/s, proximity of sensitive receptors within 20m of the development and above the proposed café/retail units, a large kitchen size, serving high odour generating food with more than 100 covers per day.</p>
9.98	Environmental Health has noted that the drawings/plans submitted do not indicate the location and height of any proposed odour extraction ducting. However given the absence of any known end user this information would not be available at present.
9.99	The extraction duct must be located at a height not less than 1m above eaves at a velocity of between 10-15m/s so that the kitchen extraction and odour abatement systems achieve a 'high level of odour control' based on the assessment methodology presented in relevant industry guidance. Given the lack of detail in terms of odour extraction conditions have been added below requesting such details prior to installation/commencement of use.
9.100	<p>Drainage and Flooding</p> <p>The proposal has been assessed against Planning Policy Statement 15. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.</p>
9.101	DfI Rivers PAMU acknowledges receipt of the Drainage Assessment by Kevin McShane Ltd dated June 2022.
9.102	DfI Rivers Planning Advisory Modelling Unit having considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated

	<p>September 2014. Planning Advisory comments below on Flood Risk as a result of this proposal are:</p>
9.103	<p>FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.</p>
9.104	<p>FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.</p>
9.105	<p>FLD3 - Development and Surface Water – DfI Rivers PAMU has reviewed the Drainage Assessment by Kevin McShane Ltd dated June 2022, and comments as follows; Given the proposals that you refer to, DfI Rivers PAMU would require that in order to fully assess this Drainage Assessment that you provide us with further information that demonstrates the viability of your proposals by means of providing the following:</p> <ul style="list-style-type: none"> - Revised Policy PPS 15 Annex D18 bullet point 2 states – Details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water - The applicant is requested to provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.
9.106	<p>Revised Policy PPS 15 Annex D17 bullet point 9 states – Internal drainage design, including rehabilitation of existing sewers and suitable discharge points to the local drainage and watercourse system that will encourage the safe disposal of storm water run off away from the site and other neighbouring areas.</p>
9.107	<p>The submitted Drainage Assessment Appendix 5: Proposed Drainage Calculations for the applicant site, for 1 in 100 year storm return period, without an allowance for urban expansion or climate change. DFI Rivers has subsequently requested that applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.</p>
9.108	<p>DFI requested that the applicant provide evidence of the PDE response from NIW consenting to discharge to their system and provide attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.</p>
9.109	<p>In response to the request the agent has confirmed that DFI's first point relates to PPs 15 Annex D18 bullet point 2 and details on how storm water runoff from the site will be controlled and safely disposed of together with relevant correspondence from Rivers Agency and/or NI Water. It is confirmed that storm water will be controlled by a Hydro-brake flow control device, limited to 4.0 l/s, as shown on drainage plan 22-014-DR-100 included in Appendix 1 of the Drainage Assessment. Additional Hydrobrake design drawing and hydraulic characteristics are provided to confirm the flow control details. It is also confirmed that a storm water requisition application and deposit has been paid to NI Water for final confirmation of the proposed storm water connection and a response is currently awaited.</p>

9.110	DFI Rivers also requested that the applicant provide the Critical Storm Duration Results for 1 in 100 year storm event, to include a 10% allowance for urban expansion and a 10% allowance for climate change.
9.111	The agent responded by stating that the second point relates to PPS 15 Annex D17 bullet point 9 and a request for the submission of the 1 in 100 year storm return period drainage model results with in the inclusion of both a 10% allowance for urban expansion and 10% allowance for climate change. Therefore, additional Causeway FLOW results for the 1 in 100 year storm event including 20% are provided. The proposed attenuation tank has a volume of 91m ³ . These results indicate very limited localised flooding of 0.1m ³ which can be accommodated within the site, in the central hardstanding area, without risk of flooding to the proposed or adjacent buildings.
9.112	These calculations, based on the current requirements, demonstrate that a solution is achievable and the design is future proofed to accommodate climate change. A final Drainage Impact Assessment will be required in order to achieve sign off from DFI Rivers. It is proposed that this is secured by planning condition and submitted for approval prior to commencement of development.
	Waste Management
9.113	The proposal has been assessed against the SPPS and PPS7. The Waste Management Plan has confirmed that waste for the proposal will be stored in communal waste storage areas. On bin collection days the bins will be brought to the road edge at the site access on Library Street and Stephen Street for collection to ensure that there will be no delay on the external highway network.
9.114	The proposal includes enclosed communal bin stores, which will be provided within an acceptable walking distance of the residential units. The communal stores will provide separate bin types to accommodate waste produced.
9.115	Waste collections for the development are anticipated as follows: <ul style="list-style-type: none"> - Frequency – Weekly for each type of waste therefore 3-4 collections per week; - Timing – To be arranged with Belfast City Council. Preferably early morning collection, pre 11am.
9.116	Given the reduction in the number of units from 862 to 795, and given the absence of any detailed end use for the proposed retail/ café units it is recommended that revised Waste and Service Management Plans are submitted to BCC for approval prior to the operation of the development, should approval be forthcoming. it is recommended that a revised Waste Management Plan is submitted to the Council for approval prior to the operation of the development. This will be secured via condition, as detailed below.
	Waste Water Capacity
9.117	NI Water has stated that sufficient waste water treatment capacity is not available at present for the proposed development. NI Water plans to upgrade the Waste Water Treatment Works in this drainage area, however at the moment NI Water is recommending connections to the system are curtailed.
9.118	Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes unimplemented permissions across the city, including one on the site (approval LA04/2008/0655/F), will not come forward at once.

9.119	In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental on the receiving waste water infrastructure or the environment.
9.120	BCC are awaiting a final consultation response from Shared Environmental Services (SES). Unless SES confirm that there are hydrological connections to designated sites at Belfast Lough (not apparent from the NIEA response), it is not considered necessary to include a negative condition requiring that the development is not occupied until such times that adequate foul and surface water sewerage connections are secured prior to occupation of development given the level of pre-exisitng commitments. It should also be noted that the applicant has confirmed that the contractor would not start initial site mobilisation until late Aug/ early Sept 2023 for a full start on site Oct 2023 with a 2026 delivery programme. NI Water has confirmed that additional capacity will become available from July 2023.
9.121	NI Water has also confirmed that the receiving surface water network has reached capacity. The public sewer system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. The planning agent has confirmed that discussions are underway with NI Water to split the combined storm/ foul sewer, with a sewer requisition application currently with NI Water. Should this be approved, this will reduce pressures on both the foul sewerage network and surface water network.
	Other Environmental Matters
9.122	Environmental Health Department has noted that the development of large-scale major development sites close to other nearby sensitive premises such as residents and commercial/office premises has the potential to generate significant adverse environmental impacts if not controlled and managed throughout. Subsequently a condition is attached requiring the submission of a Construction Environmental Management Plan, for approval, prior to commencement of development.
9.123	NIEA Natural Environment Division (NED) notes the site consists of mostly hardstanding with little vegetation. A preliminary bat roost assessment was carried out on the brick wall and Wild Cherry tree (<i>Prunus avium</i>) present at the site, and both had negligible bat roost potential. NED notes from the Ecological Assessment no other buildings or structures were present at the site.
9.124	NED notes butterfly bush (<i>Buddleia</i> sp.) is present. This is not listed under Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) however has invasive species characteristics. NED therefore welcome plans for its removal as part of this development.
9.125	NED notes that there are limited nesting opportunities for birds. All nesting birds are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED therefore welcome recommendations in the ES that any vegetation clearance or demolition of structures should be done outside the bird breeding season, which spans from March 1 to August 31st inclusive unless preceded by a pre-work nesting inspection.
9.126	NED welcome plans in the drawing titled: Landscape proposals, dated June 2022, for additional planting in the courtyard area of the site and recommends planting with native flowering and berry producing species to further enhance biodiversity.
9.127	NED has assessed the Ecological Assessment submitted and is content that the proposal is unlikely to significantly impact protected and/or priority species and habitats.

9.128	<p>Impact on Protected Sites</p> <p>The application is currently being considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p>
9.129	<p>A HRA Appropriate Assessment (AA) under the above legislation has been drafted. SES has been reconsulted with a NIEA consultation to complete the HRA. It should be noted that NIEA have not identified any hydrological connection between the site and the protected sites at Belfast Lough. Officers request delegated authority to consider the outstanding Shared Environmental Services response.</p>
9.130	<p>Pre-application Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.131	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2022/0541/PAN) was submitted to the Council on 11th February 2022.</p>
9.132	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.133	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> - In the absence of a public event being held in the locality of the proposed development due to Covid-19 restrictions, an online webinar was held via Zoom on Wednesday 16 March 2022 between 6pm – 7pm - A consultation website was launched on 9th March 2022. This hosted a live chat function. - Two additional in person Public Information events were held at Belfast Central Library on June 1st 2022 & June 16th 2022 from 12:30pm to 5:30pm to ensure all interested parties had an opportunity to view the proposals in person. - Notification of the webinar and subsequent public information events were advertised in the Belfast Telegraph on 9th March 2022, and amended notices on 24th May and 8th June 2022. - The PAN was circulated to a number of Councillors and MLAs. - Dedicated phone number and email address established. - Leaflets inviting people to the drop in webinars were distributed to approximately 700 properties in the surrounding area.
9.134	<p>A total of eight people actively took part in through the various means of engagement. A total of three responses were received. 34% showed support for the accommodation.</p>
9.135	<p>Concerns were expressed about the lack of parking, the proliferation of student accommodation, disruption during construction, and noise from students walking home late at night.</p>

	<p>In response to these comments:</p> <ul style="list-style-type: none"> - This is a zero parking scheme, supported by DFI Roads on this site and on other PBMSA sites throughout the city centre. - A Construction Environmental Management Plan (CEMP) will be secured via condition. This will help address potential disturbance during construction. - A management plan will be secured via a Section 76 Agreement to address wider amenity issues during operation.
9.136	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 Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.137	<p>Developer Contributions/ Section 76</p> <p>In this case it is considered appropriate that any planning approval should be subject to the developer entering into a legal agreement with the Council to provide certainty around the management of the accommodation and provide community apprenticeships.</p>
9.138	The red line of the application extends to the edge of the public footpath. This will facilitate public realm improvements around the proposed building, which will be secured via condition.
10.0	Summary of Recommendation:
10.1	Having had regard to the statutory development plan, the draft development plan, relevant planning policies, planning approvals on the site, and the consideration of the issues set out in this report, the proposed development is considered acceptable.
10.2	It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement to secure appropriate management of the student accommodation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into the Section 76 planning agreement and deal with any other issues that may arise from outstanding consultations, unless they are substantive in which case the application will be reported back to the Planning Committee.
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> 2. 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 City Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the City 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. <p>Reason: To ensure that any contamination within the site is appropriately dealt</p>

with, in the interests of human health.

3. Prior to installation of the kitchen extraction and odour abatement systems to serve the hereby permitted development, the applicant must submit to the Planning Authority, for review and approval in writing, full specification details of the extraction and odour abatement systems for both Units including: the location and height of the discharge duct, the extract discharge velocity and details of all stages of grease, smoke and odour control to ensure that a 'high level of odour control' is achieved in accordance with EMAQ+ Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (DEFRA) as recommended within the An Irwin Carr Consulting, Odour Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast', referenced Rp002AQ 2022047 (PSA Library Building) and dated 21 June 2022.

Reason: Protection of amenity against adverse odour impact.

4. Prior to the commencement of cooking operations within the development, the approved kitchen extraction and odour abatement systems shall be installed. The approved systems must be retained thereafter and be cleaned and maintained in accordance with manufacturer's instructions.

Reason: Protection of amenity against adverse odour impact.

5. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.

Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.

6. Prior to commencement of construction, the applicant must submit to BCC, for review and approval in writing, a Construction Environmental Management Plan (CEMP). The CEMP shall be developed by the appointed contractor and outline the site-specific methods to be employed to minimise any noise, vibration and dust impacts associated with the phased construction operations demonstrating the use of 'best practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and incorporate the recommendations outlined within Chapter 6 of Irwin Carr Consulting, Air Quality Impact Assessment, Purpose-Built Student Accommodation, Library Street, Belfast (21 June 2022) throughout the duration of the construction phase of the development.

The CEMP should also include arrangements for liaising with any nearby sensitive premises, both residential and commercial and measures to control noise, dust, vibration and other nuisance during the demolition/construction

phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area.

7. Prior to installation of the hereby approved windows, the applicant shall submit to the planning authority, for review and approval in writing, a final window schedule detailing the sound reduction specification. The selected windows shall be in line with the recommendations in the Irwin Carr Consulting report titled: 'Noise Impact Assessment, PBSA Library Building, Belfast, referenced Rp001N 2022047 (PBSA Library Building) dated 21 June 2022.

Reason: In the interests of residential amenity.

Prior to occupation of the hereby permitted development, the windows shall be installed as approved and be retained thereafter.

Reason: In the interests of residential amenity.

8. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a verification report to demonstrate the windows have been installed as approved such as documentary confirmation from the supplier and installer.

Reason: In the interests of residential amenity.

9. Prior to installation of alternative means of ventilation throughout the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the sound reduction specification of the alternative means of ventilation. The report confirming the sound reduction specification for any alternative means of ventilation and /or any mechanical means of ventilation proposed shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'.

Reason: In the interests of residential amenity.

10. Prior to occupation of habitable rooms of the hereby permitted development, the alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the alternative ventilation provided and operational. The approved alternative means of ventilation shall be retained thereafter.

Reason: In the interests of residential amenity.

11. Prior to occupation of habitable rooms of the hereby permitted development, a report verifying that the alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the suppliers and installers of the alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.

Reason: In the interests of residential amenity.

12. Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved separating walls and a 200mm concrete slab between the ground floor and first floor apartments must be retained thereafter.

Reason: In the interests of residential amenity.

13. Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the separating walls and a 200mm concrete slab between the ground floor and first floor apartments as outlined in Table 12 emailed from Irwin Carr Consulting titled: LA04/2022/1284/F on 31/10/2022 as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification.

Reason: In the interests of residential amenity.

14. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless full details of the public realm improvements to the footway bounding the site have been submitted to and approved in writing by the Council. The details shall include:

1. Surface materials;
2. The design and provision of underground ducting; and
3. Arrangements for long term management and maintenance.

The development hereby approved shall not be occupied or operated unless the public realm works have been completed in accordance with the approved details. The public realm shall be managed and maintained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and to enhance connectivity to and from the development. Approval is required up front because appropriate realm is integral to design and layout of the scheme.

15. The development hereby approved shall not commence until an updated Drainage Impact Assessment has been submitted to, and approved in writing by, Belfast City Council. The development hereby approved shall not be operated or operated unless provision has been made for foul and surface water drainage in accordance with the approved plans and documentation.

Reason: To ensure appropriate foul and surface water drainage of the site.

16. No external brickwork or render shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials (or render if applicable).

Reason: In the interests of the character and appearance of the area

17. The development shall not be occupied or operated unless a Final Waste Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Waste Management Plan.

Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area.

18. The development shall not be occupied or operated unless a Final Service Management Plan has been submitted to and approved in writing by the Council. The development shall not be operated unless in accordance with the approved Final Service Management Plan.

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

19. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Travel Plan has been submitted to and approved in writing by the Council. The Final Travel Plan shall be prepared in general accordance with the framework Travel Plan uploaded to the Planning Portal on 5th July 2022. The Final Travel Plan shall incorporate the following:

- Objectives and targets for reducing private car use;
- Measures to promote sustainable transports;
- Appointment and identification of a Travel Plan Co-ordinator;
- Means of funding of the travel plan including Travel Plan Co-ordinator;
- Implementation timetable including the responsible body for each action;
- Mechanisms for monitoring and review.

The Final Travel Plan shall be operated at all times following occupation of the building hereby approved.

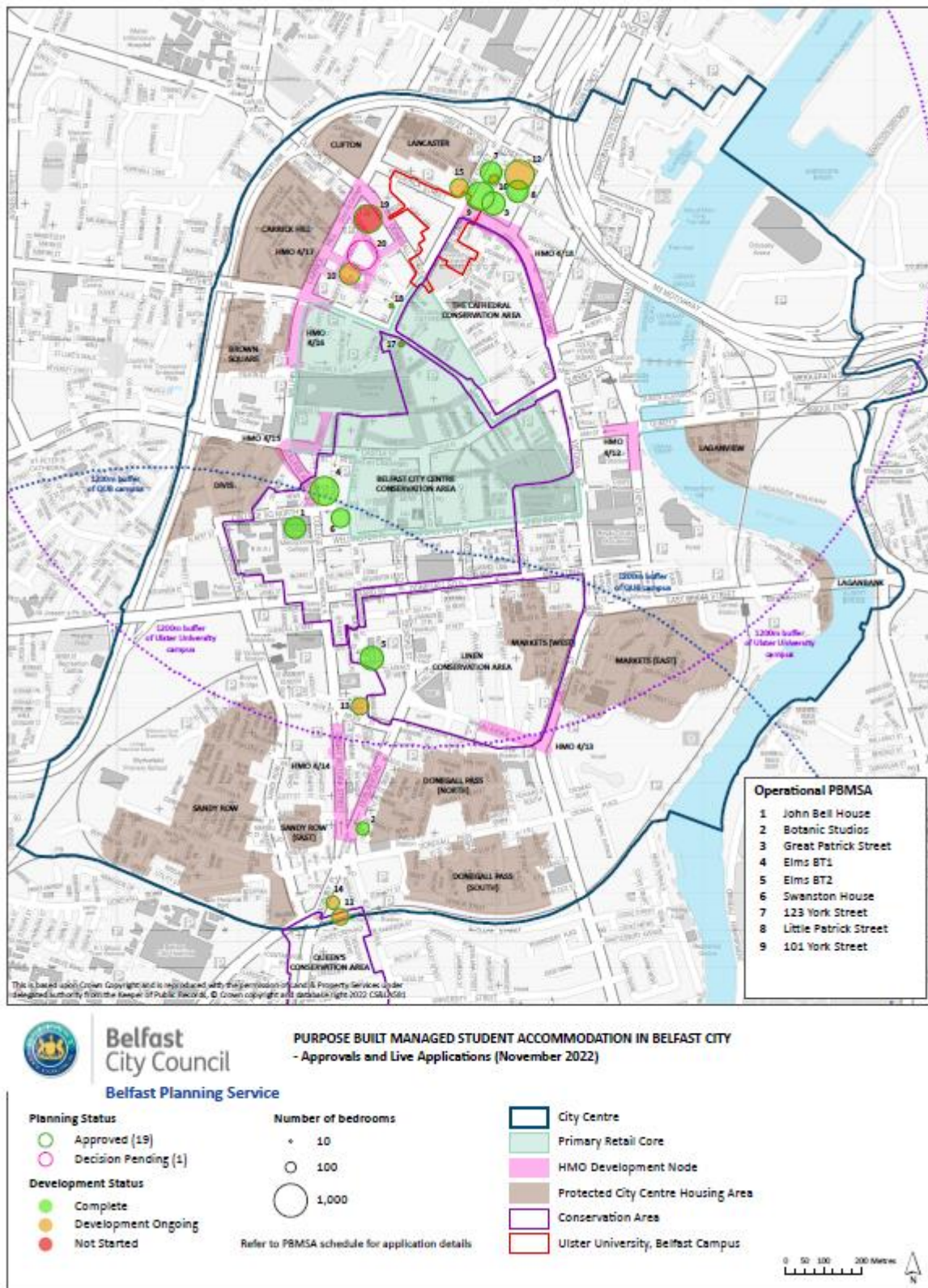
Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking. Approval is required upfront because hard travel measures may be required such as bicycle storage and showers for cyclists which are integral to the design of the building.

20. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

	<p>Reason: To safeguard existing tree on Little Donegall Street in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.</p> <p>21. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.</p> <p>Reason: Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.</p> <p>22. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.</p> <p>23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council.</p>
12.0	Notification to Department (if relevant) No
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	20th June 2022
Date First Advertised	15th July 2022
Date Last Advertised	15th July 2022
Date of Last Neighbour Notification	12 th December 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Notification to Department (if relevant) – N/A Date of Notification to Department: Response of Department:	

Appendix 2 PBMSA map and application status



PBMSA DEVELOPMENT TRACKER - Updated November 2022									
COMPLETED (SINCE 2015)									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
-	Mark Royal House	70-74 Donegal Street	0	Cathedral Living	Cathedral Living	Sep-15	45 bedrooms now closed (Jan 22). Conversion to tourist accommodation	Z/2013/0686/F	19 December 2013
1	John Bell House	1A College Square East	413	Lacuna / Watkin Jones	Student Roost	Sep-16	Previously Fresh Student Living	Z/2014/1172/F	29 January 2015
2	Botanic Studios	78-86 Dublin Road	156	Lacuna / Watkin Jones	Fresh Student Living	Sep-17		LA04/2015/1175/F	15 April 2016
3	Great Patrick Street	28-30 Great Patrick Street	475	Olympian Homes	Student Roost	Sep-18		Z/2014/1657/F	20 May 2016
-	Elms BT1	78 College Avenue	740	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0419/F	05 July 2016
4	Elms BT1	78 College Avenue	747	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1376/F	31 July 2017
-	Elms BT2	McClinlock Street	476	McAleer & Rushe / QUB	Queens University	N/A		LA04/2015/0420/F	05 July 2016
5	Elms BT2	McClinlock Street	490	McAleer & Rushe / QUB	Queens University	Sep-18		LA04/2017/1382/F	31 July 2017
6	Swanston House	41-49 Queen Street	317	Lacuna / Watkin Jones	Student Roost	Sep-18		LA04/2015/1252/F	27 June 2016
7	123 York Street	123-137 York Street	407	Cathedral Living	Cathedral Living	Sep-19	Extension proposed (84 beds); see Ref 16 below	Z/2015/0177/F	11 October 2016
8	Little Patrick Street	26-44 Little Patrick Street	430	Lacuna / Watkin Jones	Student Roost	Sep-20		LA04/2017/2306/F	30 March 2018
-	101 York Street	81-107 York Street	682	Linux LLP (Unicell LLP)	LIV Student	N/A		Z/2015/0138/F	28 June 2016
9	101 York Street	81-107 York Street	717	Valeo Group	LIV Student	Sep-21		LA04/2016/2385/F	27 June 2017
Total bed spaces completed (since 2015)			4,152						
Completed	3		4,152	Average Size (Beds) 461					
CONSTRUCTION									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
10	Alma Place	18-26 Library Street	393	Lacuna / CAV	Novel Student	Sep-23		LA04/2015/0676/F	27 February 2017
11	Aster House	University Rd & Botanic Avenue (over railway)	253	Lacuna / CAV / Harrison St	Novel Student	Sep-23	Site checked 09/11/2022 - development seemingly complete - awaiting Building Control completion certification and LPS rating	LA04/2019/0417/F	14 June 2019
12	Nelson Street	Little York St, Great George's St & Nelson St	774	Olympian Homes	Student Roost	Sep-24	Pre-construction (piling) commenced Dec 2021.	LA04/2021/2893/F	19 August 2022
-	Bruce Street	Little Victoria St, Bruce St & Holmes St	274	McAleer & Rushe	Vita	N/A		LA04/2018/2602/F	30 March 2020
13	Bruce Street	Little Victoria St, Bruce St & Holmes St	271	McAleer & Rushe	Vita	Sep-23	Construction commenced Jan 2022.	LA04/2021/2242/F	21 March 2022
14	Bradbury Place	30-44 Bradbury Place	156	Elkstone Partners	Bradbury Student Living Limited	Sep-24	Acquired by Elkstone. Demolition completed summer 2021. Contractor being tendered. Construction scheduled to commence Summer 2022. Pending NMC application could reduce to 152 bed spaces	LA04/2017/2753/F	01 August 2019
-		48-52 York Street	-			N/A		Z/2014/0479/O	24 March 2015
15		48-52 York Street	307	Student City Ltd	Cathedral Living	Sep-24	Construction scheduled to commence summer 2022 - site checked on 09/11/2022, demolition appears to be underway.	LA04/2016/1213/RM	02 October 2017
16	123 York Street Extension	8-12 Little Patrick Street	94	Cathedral Living	Cathedral Living	N/A	Extension approved at September 2020 Committee - appears to be underway as of site check on 09/11/2022	LA04/2019/2285/F	03 August 2021
			2,248						
Underway			7	Average Size (Beds) 321					
Underway			2,248	Average Size (Beds) 321					
APPROVED - NOT STARTED									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date permission granted
17	Sinclair House	89-101 Royal Avenue	30	Cathedral Living		N/A	Building sold late 2019 / early 2020. Not progressing.	LA04/2015/0685/F	16 May 2017
18		116-122 Royal Avenue	21	CS Suppliers (NI) Ltd		N/A	Part of 'Site 10'. Site sold. Not progressing.	Z/2014/1669/F	23 August 2016
-		140 Donegal Street	620	Northside Regeneration LTD		N/A		LA04/2015/0609/F	21 October 2017
19		140 Donegal Street	724	Lotus Group	Mezzino	Sep-24	Amendment of previous approval LA04/2015/0609/F (620 units).	LA04/2021/0516/F	05 August 2021
Not started			775	Average Size (Beds) 258					
Total Approved			19	Average Size (Beds) 378					
PLANNING PENDING									
Map Ref	Project Name	Address	Beds	Developer	Operator	Operational	Notes	Planning Ref	Date received
20	Library Street	Library Street and Little Donegal Street	862	Mandeville Developments NI Ltd		N/A		LA04/2022/1284/F	20 June 2022
Total pending			1	Average Size (Beds) 862					