

# Public Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**

16th September, 2016

## **MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following Planning Application will also be considered at the meeting to be held at 5.00 pm on Tuesday, 20th September, 2016.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

### **AGENDA:**

- (t) LA04/2015/0609/F - Purpose built managed student accommodation comprising 620 units with associated amenity and ancillary support accommodation with 54 lower ground floor parking spaces at Site 3, 140 Donegall Street (Pages 1 - 18)

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## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2015/0609/F	<b>Target Date:</b>
<b>Proposal:</b> Purpose built managed student accommodation comprising 620 no. units with associated amenity and ancillary support accommodation with 54 no. lower ground floor parking spaces	<b>Location:</b> 140 Donegall Street Belfast BT1 2GX
<b>Referral Route:</b> Committee - Major Application (exceeds 50 units)	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Northside Regeneration LTD and Balfour Beatty Investments 46 Cadogan Park Belfast BT9 6HH	<b>Agent Name and Address:</b> RPP Architects LTD 155-157 Donegall Pass Belfast BT7 1DT
<b>Executive Summary:</b>	
<p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) and is identified as being within Belfast City Centre. It is also located in Scotch and Cathedral Quarter Character Area (CC10) and the Scotch Quarter HMO (HMO 4/17).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of development at this location;</li> <li>• Planning history of the site;</li> <li>• Scale, Massing, design &amp; Urban Design Criteria;</li> <li>• Impact on Listed Buildings;</li> <li>• Impact on residential amenity; and</li> <li>• Environmental considerations.</li> </ul> <p>The principle of Purpose Built Student Accommodation (PBMSA) is unacceptable at this location. The site is located on land zoned for social housing in BMAP 2015 and the applicant's perceived need for PBMSA does not warrant setting aside the social housing zoning.</p> <p>Whilst there is a previous planning permission Z/2006/1544/F for of 226 No. 1&amp;2 bed apartments on the site, it is considered that this application has lapsed.</p> <p>The proposed building is considered to adversely impact on the character and appearance of the area through inappropriate height, scale and massing; and design.</p> <p>In terms of amenity, there are residential uses adjacent, south and west on Carrickhill . It is</p>	

considered residential amenity will be adversely impacted due to the scale and intensity of the proposed, in particular, those residents living south and west of the site adjacent.

In terms of prospective residents, each unit has adequate outlook to the public street and there is sufficient internal separation distances between rooms to prevent overlooking/intervisibility. The accommodation proposed is in accordance / generally exceeds standards set out in NI Housing Executive HMO standards. However, the application fails to provide adequate amenity space for prospective residents resulting in a poor quality living environment.

In respect of Listed buildings the proposal fails to adequately demonstrate that the proposal will not adversely impact upon Listed Buildings in close proximity to the site and therefore fails to address/satisfy the requirements of Policy.

Following neighbour notification and advertising 1 letter of objection was received advising that comments would follow in another letter. To date Belfast City Council has not received any further representations.

A number of consultees are seeking further information including Rivers Agency and Historic Environment Division. All remaining consultees have offered no objections to the proposal, subject to conditions.

Having regard BMAP, to the policy context and other material considerations, the proposal is considered unacceptable and refusal is recommended

**Recommendation: Refusal**

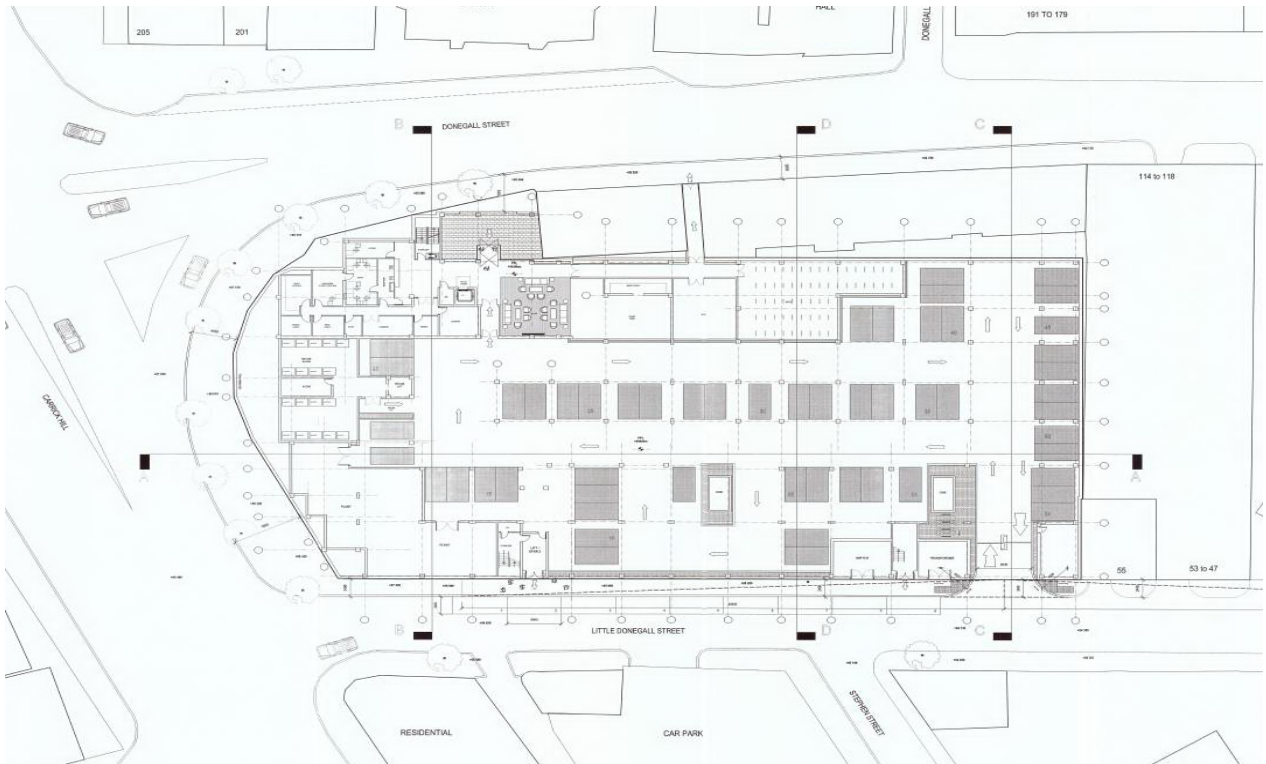
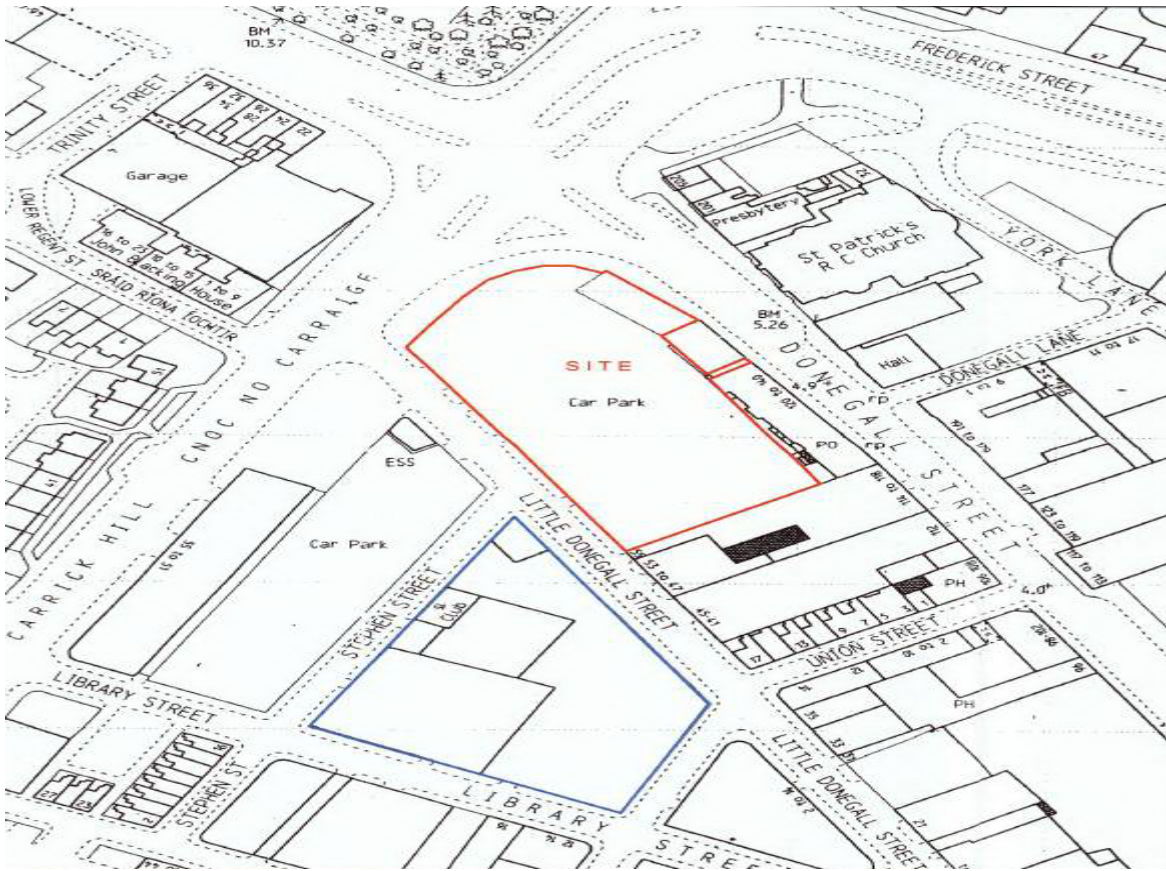
The reasons for refusal are:

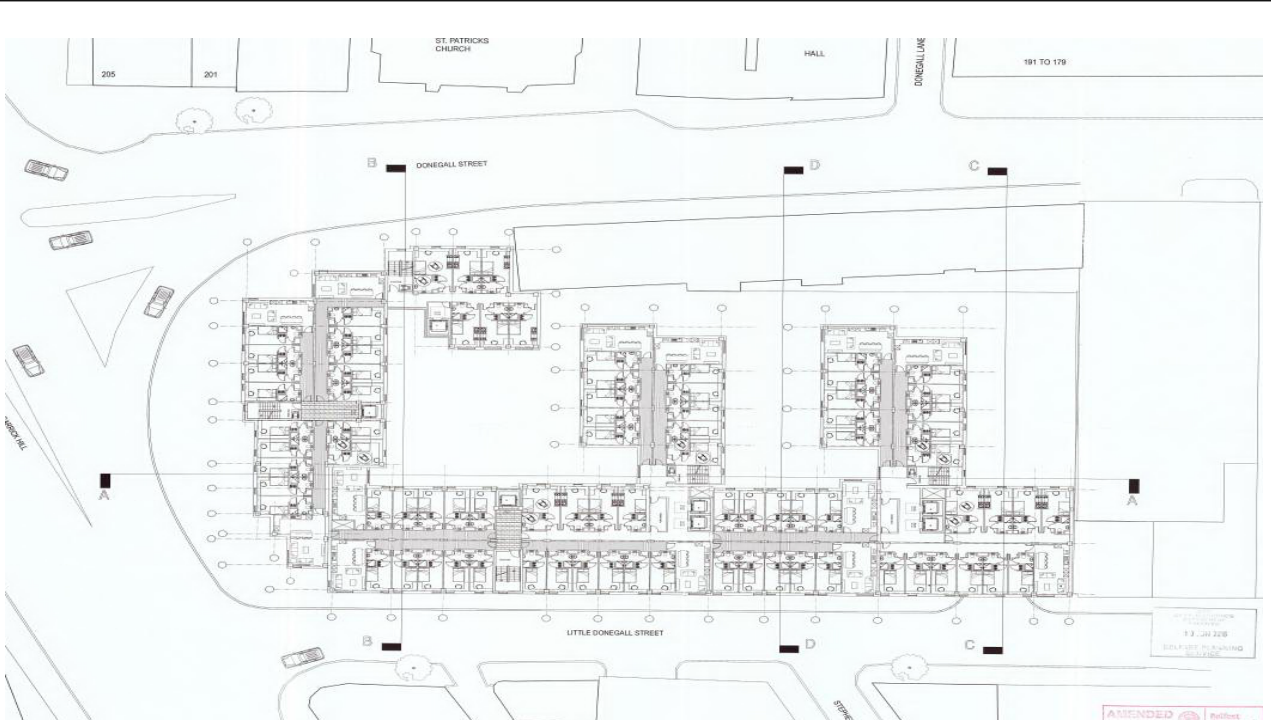
1. The proposal is contrary to the Belfast Metropolitan Area Plan 2015 as the site is zoned for social housing and if permitted, would prejudice the delivery of social housing in an area of current housing stress.
2. The proposal is contrary to Belfast Metropolitan Area Plan 2015 in that the proposal would, if permitted, result in overdevelopment of the site and an inappropriate form of development due to its scale, massing and design causing unacceptable damage to the character and appearance of the area
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that it would, if permitted, cause unacceptable damage to the character and residential amenity of the area due to the uncharacteristic and inappropriate height, scale and mass and lack of amenity areas.
4. The proposal is contrary to policy BH11 of the Department's Planning Policy Statement 6 in that insufficient information has been provided to demonstrate that the proposal would not, if permitted, adversely affect the setting of a listed buildings at St Patrick's Roman Catholic Church, Donegall Street, Belfast, St Patrick's Parochial House 199 Donegall Street, The Former St Patrick's CB School, Donegall Street, and 201-205 Donegall Street, Belfast due to inappropriate scale, form, massing, height, and proportions.

**Signature(s):**

# Case Officer Report

## Site Location Plan





DONEGALL STREET ELEVATION



LITTLE DONEGALL STREET ELEVATION

<b>Characteristics of the Site and Area</b>	
1.0	<p>Description of Proposed Development</p> <p>Purpose built managed student accommodation comprising 620 no. units with associated amenity and ancillary support accommodation with 54 no. lower ground floor parking spaces. The proposal is 9 storeys in height.</p>
2.0	<p>Description of Site</p> <p>The site is located at the junction of Carrick Hill with frontage to Donegall Street and Little Donegall Street. It is currently in use as a car park and is devoid of buildings save for a single storey portacabin security hut. The site is broadly level in terms of topography, however it sits at a lower level than Carrick Hill. The site boundary along Carrick Hill comprises metal railings approximately 1.2m in height. There is a brick wall along the Donegall Street boundary approximately 3m in height, with a 4 storey building beyond. The Little Donegall Street frontage comprises a low wall approximately 1.2m in height. The southern site boundary consists of the gable wall of adjoining buildings.</p> <p>The immediate locality of the site consists of a mix of uses including residential, offices and retail with a number of vacant units. There is residential accommodation opposite the site fronting onto Carrick Hill generally 2 or 3 storeys in height and two storey retail units in use as car repair garages and Motor cycle sales on junction of Carrick Hill and Clifton Street. The topography of the area rises from south to north reflecting the rise along Clifton Street from the city centre.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<p>Planning History</p> <p><u>On-site</u></p> <p>Z/2006/1544/F - Erection of 226 No. 1&amp;2 bed apartments to include conversion of upper floors of existing buildings to apartments together with two levels of car parking (amended scheme). Approved 10.06.2008.</p> <p>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. Address: 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 a Decision: Deemed Refusal: 18.01.2016</p> <p>Z/1984/0865 - Erection of Car Park. 57-59 Little Donegall Street. Approval 11.09.198</p> <p><u>Surrounding Area</u></p> <p>LA04/2015/0092/O- Phased demolition of existing buildings and construction of student housing units to include ground level car and bike-park, gymnasium and local retail units at Land bounded by Carrick Hill Nos22-36 Clifton Street and No. 4 Trinity Street Belfast Currently with the PAC for determination.</p>
4.0	<b>Policy Framework</b>

4.1	Belfast Metropolitan Area Plan 2015 Policy UE 1 - Urban design House in Multiple Occupancy Subject Plan 2015 HMO 7- Large Scale Purpose Built Student Accommodation
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Environment Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 13:Transportation and Land Use Planning Policy Statement 15: Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	Transport NI- No objections subject to conditions NIWater- No objections; NIEA- Waste Management- No Objection subject to conditions; Rivers Agency- Requesting further info Historic Environment Division- Seeking further information
<b>6.0</b>	<b>Non Statutory Consultee Responses</b>
	Belfast City Council EPU- No Objections subject to conditions
<b>7.0</b>	<b>Representations</b>
	1 letter of objection was received. It indicated that further detailed representations would be submitted however no further comments were received.  No representations from elected representatives have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Planning and Place Advice Note: Purpose Built Managed Student Accommodation
8.2	BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation Living Places
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>• The principle of the development at this location</li> <li>• Planning history of the site</li> <li>• Scale, Massing, design &amp; Urban Design Criteria;</li> <li>• HMO Subject Plan and Guidance document;</li> <li>• Impact on amenity; and</li> <li>• Other considerations.</li> </ul>
9.2	The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paras 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3 and PPS7 remain applicable under 'transitional arrangements'.  <u>Principle of Development</u>
9.3	Section 6(4) states that Section 6(1) of the Planning Act (NI) 2011 states that 'where in making any determination under this act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material



	considerations indicate otherwise.
9.4	Section 45 of the Planning Act (NI) 2011 provides that where an application is made for planning permission, the council in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations
9.5	BMAP zones the application site for social housing (Zoning CC 04) and identifies it with the reference CC 04/09. The site size is set out as 0.39 hectares. No Key Site Requirements (KSRs) are identified for the site.
9.6	The application site was identified for social housing in the draft plan as CC 06/06 and as a Development Opportunity Site (zoning CC 037). It is one of a group of such sites including two which have been the subject of appeals upheld by the Planning Appeals Commission (PAC) - Nelson Street and Frederick Street.
9.7	<p>There are a number of distinguishing factors that set aside the application site from the two PAC decisions referred to above.</p> <ul style="list-style-type: none"> <li>- Firstly, Nelson Street and Frederick Street were considered under the draft plan. The plan has since been adopted and the Planning Act (NI) clearly states that determination must be made in accordance with the plan unless material considerations indicate otherwise.</li> <li>- The proposed use in this case is PBMSA which falls within its own sui generis use class and whilst it must be considered against residential planning policies as it provides a living environment for students, it is considered to present very different conditions and have greater impacts than residential accommodation, either private or social / affordable. It is not directly comparable to the Frederick Street and Nelson Street cases.</li> </ul> <p><u>Consideration of whether there is a valid fallback</u></p>
9.8	Planning permission was granted on 6 <sup>th</sup> June 2008 under planning ref: Z/2006/1544/F for erection of 226 No. 1&2 bed apartments to include conversion of upper floors of existing buildings to apartments together with two levels of car parking at 140 Donegall Street Belfast.
9.9	On the 19 <sup>th</sup> April 2013 the applicant was granted a license to excavate for archaeological purposes by the Department of the Environment NIEA.
9.10	In terms of <i>other material considerations</i> as set out under Section 6(4) of the Planning Act 2011 the starting point in the assessment of this proposal is whether there is a valid fallback. There are two issues, firstly, in respect of condition 11 of planning permission Z/2006/1544/F and on concluding whether or not that condition should be regarded as having been discharged. And secondly for the extant planning permission to be treated as fall back it is necessary for there to be some evidence that implementation (i.e. building out) of the permission would be a realistic possibility if the extant application were refused.
9.11	<p>Condition 11 of planning permission Z/2006/1544/F states:</p> <p><i>No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and</i></p>

	<i>approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report. " The reason for the condition was to "ensure that archaeological remains within the applicant site are properly identified, and protected or appropriately recorded."</i>
9.12	Condition 11 requires the programme of archaeological work to deal with "the site". It does not state 'the whole site' and it is accepted that NIEA routinely accepted <i>phased</i> archaeological programmes and it is possible to construe the condition as meaning that "no site works ... or development" should take place until a programme, relevant to those particular works, be in place. It also accords with and satisfactorily serves the stated reason for the condition i.e. "To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded".
9.13	It is further considered that the condition does not go to the heart of the planning permission. The purpose of this condition was to ensure proper identification and treatment of any archaeological remains or artefacts. The programme which was approved was predicated on this basis. It is therefore considered that the condition has been discharged.
9.14	Secondly, the applicant claims that works commenced on site in 2013 prior to the application expiring, the Authority is not convinced that this is the case.
9.15	It is also considered that the limited amount of work, if any, at that time and the fact that in the intervening years since the grant of permission in June 2008 shows that the applicant has signalled by conduct that he did not intend to build out the permission.
9.16	The second point is if condition 11 has been accepted as having been discharged do the works (excavation / piling works for substructures and structures of car park levels including access) carried out in 2013 and subsequently filled in, constitute commencement of works on site.
9.17	It is considered that the limited amount of work carried out on site, the subsequent backfilling of the excavated area and the closing up / blocking off of the access shows that the applicant has signalled by conduct that he did not intend to build out the permission.
	<u>BMAP and the Urban Design Criteria</u>
9.18	The site is located within the Scotch and Cathedral Quarter Character Area as designated in the Belfast Metropolitan Area Plan. This sets out a number of urban design criteria for the area. Two of the criteria refer specifically to this site. The first is that any development which fronts onto Carrick Hill, shall be a minimum building height of 4 storeys, or 12m to building shoulder height, and a maximum height of 6 storeys. The second criterion is that development which fronts onto Carrick Hill shall be set back 1.5m from the footway to allow for a privacy zone for residential development.
9.19	The proposal, with its 9 storeys, is 3 storeys beyond what is acceptable in this Character Area. A staggered setback has been provided onto Carrickhill, although not 1.5m deep along the entire frontage, a semi-circular area has been shown between the building line and proposed retaining wall, which would offer a degree of private amenity and a buffer

	from the street.
9.20	The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas.
9.21	Elevations show a building with a maximum height of 9 storeys stepping down to 8 storeys with a two storey set-back along the Carrick Hill elevation (western elevation), and 6 storeys along Little Donegall Street . The scale and massing are out of keeping with the character of the area. The dwellings to the south of the site fronting onto Clifton Street are 4 storeys in height, with two storey flat roofed mixed use block and three storey residential block west of the site to the other side of the main road. Donegal Street is characterised by a mix of two and three storey traditionally styled terraced blocks, and three storey built form at Clifton House to the NW. Little Donegal Street, with its somewhat sporadic built form, has a mix of small scale two storey buildings rising to five storey blocks with a mix of traditional and more contemporary design. The proposed nine storey structure, although stepped down towards Carrick Hill, would be unduly dominant in the current context. Its contemporary design, although vertically emphasised in response to the more traditional proportions in the vicinity of the site, is ultimately out of keeping with, and would harm the established character of the area.
9.22	The Little Donegall Street elevation at lower ground floor level is of poor design having no active frontage. Such frontages are essential to ensure vitality but also to deter crime. The proposal therefore fails to comply with QD 1 of PPS 7.
	<u>HMO Subject Plan 2015</u>
9.23	The site is located within the Scotch Quarter HMO Development Node HMO 4/17 as designated in the Belfast Metropolitan Area Plan. Policy HMO3 states that along the frontages of the designated HMO nodes planning permission for HMOs will be granted, providing it does not include HMO development at groundfloor level within a designated commercial node or shopping area. The site is not located within such an area. The principal of HMO development however must be assessed against the criteria set out in HMO7 below.
9.24	The proposal has been assessed against Policy HMO 7 of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All criteria except for the landscaping and amenity provision are met. The scheme is in excess of 50 units. All units are self contained, the proposal is not located in a primarily residential area; and provision is made for the appropriate management. However the applicant has failed to demonstrate ample landscaping and amenity space. The proposal therefore fails to complies with HMO 7.
	<u>Assessment against Planning &amp; Place on PBMSA</u>
9.25	Planning and Place's advice note document titled 'Purpose Built Managed Student Accommodation' is Belfast City Council's first step as a planning authority to respond to the SPSS stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy, it is still a material consideration. The policy sets

	<p>out six criteria which all applications for PBMSA proposals should adhere to.</p> <p>Criteria (a)</p>
9.26	<p>In regards to the first criterion the development is within 600 metres of the new University of Ulster campus, 80 metres of the Belfast Metropolitan College and 700 metres of Queens University. Public Transport is located in close proximity to the development. As the proposal is to be for students that will attend Ulster University University, it is suitably located and therefore complies with criterion (a).</p>
9.27	<p>Criteria (b)</p> <p>Requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located within the City Centre, abuts a HMO node and the Scotch and Cathedral Quarter Character Area. The proposal as detailed under paragraph 9.18 is contrary to the Urban Design Criteria. In regards to other policy designations in the city centre the site is not located within a wholly residential area given the surrounding land uses. The nearest nearest Protected Housing Area (Carrickhill) is located across Carrick Hill it would be difficult to argue adverse impact as the university is located in the opposite direction the surrounding land uses away towards Hamill Street to the West. Listed buildings in the vicinity of the application site include the landmark 1A College Square East (currently being converted into PBMSA) and the former athletic stores building at 41-49 Queen Street which is currently subject to a planning application for PBMSA. The proposed development site is adequately removed so as to have an adverse impact on their setting, a view shared by NIEA- Historic Monuments Unit. The proposal complies with criterion (b).</p>
9.28	<p>Criteria (c)</p> <p>In regards to criterion (c) it is considered that the layout, design and facilities provided within the development are of high standards. The site is currently underutilised and is within an area which has witnessed some limited regeneration within the last 10 years. Belfast City Council's Regeneration and Investment Strategy comments that much of the city centre feels incomplete due to relatively high vacancy rate, underdeveloped sites and surface level car parks (which is the current use of this site), so redevelopment should be considered a top priority, not only to visually improve the Carrickhill / Donegall Street frontage but just as importantly, to provide an impetus for further regeneration and the tangible benefits that go hand in hand with it.</p>
9.29	<p>Regarding the internal layout, the entrance to the PBMSA is located on Carrickhill. This leads into a reception area. 1 common room is provided on the ground floor. Outlook from bedrooms is either over the street, over the internal areas. In terms of open space provision, it is acknowledged that 'Creating Places- Achieving Quality in New Residential Developments' suggests that adequate provision would range from 10-30 sq metres, with inner urban areas tending towards the lower end figure. The applicant has failed to demonstrate adequate amenity space for prospective residents. It is therefore considered that the proposal as it currently stands runs contrary to criterion (c).</p>
9.30	<p>It is further considered that in terms of microclimate the courtyard area would be damp and shaded with little value other than ensuring some light into the rooms that look inwards. Whilst it is a concern, it is difficult to resist the proposal based on the microclimate given that the site is located within the City Centre whereby historically residential apartment type developments had little in the way of amenity space provision. Notwithstanding this no information has been provided to detail treatment of these amenity areas.</p>
9.31	<p>The development proposes 54 car parking spaces which are considerably below the 1 to 1 amount required according to the DOE Parking Standards which accompany PPS3 parking standards. However the applicant has provided a detailed Travel Plan seeking to justify a</p>

	relaxation of the standard based on alternative transport arrangements and the proximity of the development to the new University of Ulster Campus. Factoring this with the lack of objection from Transport NI it is considered that the applicant has adequately addressed the shortfall in parking provision.
9.32	The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards – single rooms are approximately 15sqm (6.5sqm NIHE standard)with common room areas ranging in size but not less than 20 sqm for 5 occupants. Provision is therefore compliant with space standards.
	Criteria (d)
9.33	Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is not located within a predominately residential area. However the site is located 30 metres to the east of Carrick Hill Protected City Centre Housing Area (CHPCCHA). The nearest properties within the CHPCCHA are those on the east side including those fronting onto Carrick Hill and Sraid Riona Iochtir. Pedestrian routes from the site to the City Centre, and the University of Ulster are in the opposite direction to the CHPCCHA and it is concluded that any impact in terms of movement of large numbers of students is acceptable.
9.34	The management plan includes the staffing and management of the development; allocation procedures; ingress and exit policy for students at commencement and end of tenancy period; student behaviour; fire strategy; and complaints strategy.
9.35	With use of a Section 76 Agreement it is considered that the management plan is comprehensive and robust enough to ensure that impacts to neighbouring land uses and prospective residents will be minimal.
9.36	The guidance document makes reference to the cumulative impact and how an overconcentration relative to the wider community can lead to an imbalance, ultimately resulting in harm to residential amenity. It is considered that the intensification in use ( will result in clear harm to the residents in the adjacent apartment across Little Donegall Street and indeed those further away in Carrick Hill.
	Criteria (e)
9.37	Requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any potential negative impact from occupants. The management plan sets out the procedures to be put in place.
9.38	The management plan goes into considerable detail and addresses main points raised under criterion (e). It will be secured by a Section 76 Agreement and, as mentioned previously, it is comprehensive and robust enough to ensure that impacts to existing and prospective residents will be minimal
	Criteria (f)
9.39	Planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. In response to the request to demonstrate need, the applicant indicates that they commissioned DTZ to undertake an assessment of 'demand' in March 2015. This refers to the new Ulster University Campus, and states that c43000 students attend higher education in Belfast and approximately 4000 rooms are available within Purpose Built Student Accommodation with occupancy rates of between 90-100%. The report identifies a 'current perceivable demand' of 1000-1500 with the 'demand pool potentially rising to 2000-3000 as student may seek to benefit from the close proximity of the development'. It goes on to justify need through planning policy including

	growing the city centre residential population and the HMO subject plan objectives.
9.40	Limited quantitative information has been provided to demonstrate a need for this accommodation. Rather the agent has indicated that the proposal will satisfy a need created by the relocated University No university support appears to be provided or details of waiting lists for accommodation. It is important to note that 'demand' is not the same as 'need'. In defining 'need' the judgement of the Court of Appeal in the case of 'The Queen (on the application of Cherkley Campaign Limited) v Mole Valley District Council and Another (2014)'. It was stated the word 'need' was capable of encompassing necessity at one end of the spectrum and demand or desire at the other, and its particular meaning was dependent on context.
9.41	The PBMSA guidance acknowledges in paragraph 2.4 that the proportion of available PBMSA is considerably lower than elsewhere in the UK. Paragraph 6.30 states that it could be argued there is an unmet need...however there is risk of oversupply following an influx of such applications.
9.42	On balance it is considered there is a need for PBMSA and determining weight in this regard is afforded to compliance with policies to increase city centre residential provision and that the PBSA acknowledges an unmet need. It is also considered reasonable that the proposal could offset demand within HMO policy areas.
	<u>Impact on Residential Amenity</u>
9.43	The proposal has been assessed against paragraphs 4.11 and 4.12 of the Strategic Planning Strategy for Northern Ireland and QD 1 of PPS 7. The proposal will have a unacceptable impact on the amenity of the adjacent residential properties to the immediate south of the site through dominance.
9.44	Environmental Health Service raised concerns regarding potential inward noise impacts on future users of the development from the proposed ground floor ancillary facilities and that from nearby heavily trafficked roads. In addition, there is potential for outward noise impacts on existing noise sensitive premises as a result of activities associated with the proposal.
9.45	A noise impact assessment was subsequently requested to assess the impact the proposal will have on existing noise sensitive premises (and any other nearby approved schemes which may be negatively impacted).
9.46	Environmental health Service has reviewed the additional Peter Loyd and Associates noise report titled "Noise Assessment Proposed Student Housing, 140 Donegall Street, Belfast" dated February 2016 and note the additional information provided. As a result of the findings Environmental Health offered no further objection to the proposal.
9.47	Environmental Health Service welcomed the submission of a Student Management Plan aimed at establishing clear procedures for the integration and management of the proposed 710 student spaces at the development site. Of note, is the commitment expressed to meet sufficiently high standards that will result in the scheme being managed in accordance with the ANUK (Accreditation Network UK) Code. Respect of existing residential neighbours and the need to incorporate measures to control potential noise and anti-social behaviour is identified within the Management Plan.
9.48	No objections have been offered subject to the provision of a robust management plan,

	<p>which ultimately could be conditioned should approval have been granted.</p> <p><u>Air Quality</u></p> <p>9.49 The Environmental Health Service has reviewed the RSK reported titled “ Air Quality Assessment, Northside Site 3 Donegall Street, Belfast” dated 24th November 2015, project no 442256/AQ/01(00).</p> <p>9.50 The consultant has assessed the predicted impact of the proposed development on human health in terms of nitrogen dioxide and particulate matter using estimated background annual average pollutant concentrations derived from the UK-Air website for background data required for the assessment. The assessment has considered relevant receptor locations in accordance with government’s Local Air Quality Management Technical Guidance LAQM.TG(09).</p> <p>9.51 The assessment has demonstrated that the proposed development will have a negligible impact on air quality in the vicinity of the site and there will be no significant air quality impact on future residents. As a result, Environmental Health Service has no concerns regarding the air quality impacts of the development proposal.</p> <p><u>Other Considerations</u></p> <p><u>Bin Storage</u></p> <p>9.52 In regards to bin storage, the applicant has shown one defined area within the lower ground floor layout. However, if Committee was minded to approve this proposal it is recommended that a negative condition is attached to ensure an adequate waste management strategy is delivered for the collection and disposal of waste.</p> <p><u>Fire Safety</u></p> <p>9.53 There appears to be sufficient development opportunity within the footprint of the proposed building to comply with the Building Regulations (NI) 2012 in respect to Fire Safety.</p> <p>9.54 The maximum travel distance from each apartment entrance door (i.e. the door separating each apartment’s internal protected entrance hall/corridor from the stair lobby), to the door of any habitable room within any apartment is within the required 9.0 metres maximum, and thus complies with BS5588 Part 1 (Regulation 33 ‘Means of Escape’).</p> <p>9.55 In the case of the self-contained units with their own cooking facilities within each room, the travel distance from any self-contained apartment’s entrance door to the door into the relevant protected staircase or protected stair lobby is reduced to 7.5 metres maximum to comply with BS5588 Part 1. This also applies to some of the apartments with a communal kitchen; however most of these are arranged with the entrance door within 7.5m of the stair. It has not been demonstrated that the proposal complies with this element of the Building regulations in that self-contained apartments are located well beyond the required 7.5m distance of communal stairwells.</p> <p><u>Traffic and Parking</u></p> <p>9.56 The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. It has been accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate car parking, a view shared by Transport NI.</p>
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	<p><u>Flooding</u></p>
9.57	<p>Rivers Agency has reviewed the Drainage Assessment dated October 2015 and additional information dated January 2016 prepared by WYG. The Drainage Assessment and additional information lacks specific details how the storm water will be dealt from the proposed development as the PDE states that no public storm sewer is available to serve this proposal.</p>
	<p><u>Impact on Listed Buildings</u></p>
9.58	<p>The proposal has been assessed against Policy BH11 of Planning Policy Statement 6 and consultation with Historic Environment Division has been undertaken to assist in assessment of this aspect. The application site is in proximity to HB26/50/077A St Patrick's Roman Catholic Church, Donegall Street, Belfast a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. It also has an impact on the following listed buildings:</p> <p>HB26/50/077 B St Patrick's Parochial House 199 Donegall Street Grade B2  HB26/50/077 C The Former St Patrick's CB School, Donegall Street Grade B1  HB26/50/085 A-C 201-205 Donegall Street, Belfast Grade B2</p>
9.59	<p>Historic Building Unit have considered the impacts of the revised proposal and have indicated that they have no objections in principle to the development of the site, however there is insufficient information provided to fully assess the impact on Listed Buildings. This includes contextual information and drawings, no revised Heritage Statement; and no visual/photographic representations of the development in context.</p>
9.60	<p>Accordingly the proposal fails to adequately demonstrate that the proposal will not adversely impact upon Listed Buildings in close proximity to the site and therefore fails to address/satisfy the requirements of BH11 of PPS6.</p>
	<p><u>Historic Monuments</u></p>
9.61	<p>Historic Monuments Unit has considered the impacts of the proposal and is content, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Accordingly the proposal is considered compliant with PPS6 in this regard.</p>
	<p><u>Land Contamination</u></p>
9.62	<p>An Environmental Site Assessment has been submitted in support of the application. Environmental Health and Waste Management (Land and Groundwater Team) were consulted on the details of this report. Following assessment both consultees have no objection to the proposed development subject to conditions and/or informatives. Respective opinions are considered determining in relation to contamination issues and accordingly the proposals are acceptable in this regard.</p>
	<p><u>Developer Contributions</u></p>
9.63	<p>The developer / landowner and the agent have expressed a willingness and commitment to provide satisfactory contributions, had the application been recommended for approval.</p>



9.64	This agreement would have provided certainty around the management of the accommodation and an obligation towards local environmental improvements.
<b>10.0</b>	<p><b>Summary of Recommendation: Refusal</b></p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is determined that the development will cause demonstrable harm to the interests of acknowledged importance. Refusal is therefore recommended.</p>
<b>11.0</b>	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1 The proposal is currently contrary to the Belfast Metropolitan Area Plan 2015 as the site is zoned for social housing.</li> <li>2 The proposal is contrary to Belfast Metropolitan Area Plan 2015 in that the proposal would, if permitted, result in overdevelopment of the site and an inappropriate form of development due to its scale, massing and design causing unacceptable damage to the character and appearance of the area</li> <li>3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that it would, if permitted, cause unacceptable damage to the character and residential amenity of the area due to the uncharacteristic and inappropriate height, scale and mass and lack of amenity areas.</li> <li>4 The proposal is contrary to policy BH11 of the Department's Planning Policy Statement 6 in that insufficient information has been provided to demonstrate that the proposal would not, if permitted, adversely affect the setting of a listed buildings at St Patrick's Roman Catholic Church, Donegall Street, Belfast, St Patrick's Parochial House 199 Donegall Street, The Former St Patrick's CB School, Donegall Street, and 201-205 Donegall Street, Belfast due to inappropriate scale, form, massing, height, and proportions.</li> </ol>
<b>12.0</b>	<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>

<b>ANNEX</b>	
<b>Date Valid</b>	29th June 2015
<b>Date First Advertised</b>	17th July 2015
<b>Date Last Advertised</b>	24th June 2016
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner/Occupier, 1-9 John Blacking House, Lower Regent Street, Belfast BT1 1AL</p> <p>The Owner/Occupier, 120 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GX,</p> <p>The Owner/Occupier, 122 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GX,</p> <p>The Owner/Occupier, 126 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, 128 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, 130 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, 132 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, 134 Donegall Street, Town Parks, Belfast, Antrim, BT1 2HX,</p> <p>The Owner/Occupier, 136 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, 199 Donegall Street, Town Parks, Belfast, Antrim, BT1 2FL,</p> <p>The Owner/Occupier, 201 Donegall Street, Town Parks, Belfast, Antrim, BT1 2FL,</p> <p>The Owner/Occupier, 203 Donegall Street, Town Parks, Belfast, Antrim, BT1 2FL,</p> <p>The Owner/Occupier, 205 Donegall Street, Town Parks, Belfast, Antrim, BT1 2FL,</p> <p>The Owner/Occupier, 53 Little Donegall Street, Town Parks, Belfast, Antrim, BT1 2JD,</p> <p>The Owner/Occupier, Clifton Autos, 18 Clifton Street, Belfast BT13 1AA</p> <p>The Owner/Occupier, Donegall Chambers, 138 Donegall Street, Town Parks, Belfast, Antrim, BT1 2GY,</p> <p>The Owner/Occupier, Open Door Housing Association, 57-65 Carrick Hill, Belfast BT1 2JH</p> <p>The Owner/Occupier, Owner / Occupier 114-118 Donegal Street, Belfast, BT1 2GX</p> <p>The Owner/Occupier, Owner / Occupier 120-140 Donegal Street, Belfast BT 1 2GX</p> <p>The Owner/Occupier, Owner / Occupier 15 Stephen Street, Belfast BT1 2JE</p>	

<p>The Owner/Occupier,  Owner / Occupier 193-195 Donegall Street, Belfast BT1 2FL  The Owner/Occupier,  Owner / Occupier 47-51 Carrick Hill, Belfast, BT 1 2JH  The Owner/Occupier,  Owner / Occupier 47-55 Donegal Street, Belfast BT1 2JD  The Owner/Occupier,  Owner / Occupier, 22 Clifton Street Belfast BT 13 1AA  The Owner/Occupier,  Owner Occupier 1-9 Donegall Lane, Belfast BT1 2LZ  The Owner/Occupier,  Picton Capital Limited,1st Floor,28 Austin Friars,London,England,EC2N 2QQ  The Owner/Occupier,  Scotch Quarters,57 Carrick Hill,Town Parks,Belfast,Antrim,BT1 2JH,  The Owner/Occupier,  Scotch Quarters,63 Carrick Hill,Town Parks,Belfast,Antrim,BT1 2JH,  The Owner/Occupier,  The Marshall Building,124 Donegall Street,Town Parks,Belfast,Antrim,BT1 2GY,  The Owner/Occupier,  The Marshall Building,124 Donegall Street,Town Parks,Belfast,Antrim,BT1 2GY,</p>	
<b>Date of Last Neighbour Notification</b>	15th June 2016
<b>Date of EIA Determination</b>	n/a – site size below thresholds
<b>ES Requested</b>	No
<b>Representations from Elected Members</b>	None

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