

# Public Document Pack

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



Belfast  
City Council

## **MEETING OF PLANNING COMMITTEE – REPORTS TO FOLLOW**

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall - City Hall on Tuesday, 14th November, 2017 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

### **AGENDA:**

#### **9. Planning Applications**

- (b) LA04/2017/2209/F - Temporary change of use of former Belfast Telegraph printing hall to event space at 122-144 Royal Avenue (Pages 1 - 10)
- (c) LA04/2017/2112/F - Variation of condition 7 (LA04/2016/1252/F) which refers to legislative procedures for the loading bay on site bounded by Little York Street Great George's Street and Nelson Street (Report to Follow) (Pages 11 - 16)



## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 14<sup>th</sup> November 2017</b>	
<b>Application ID:</b> LA04/2017/2209/F	
<b>Proposal:</b> Temporary change of use of former printing hall to event space for a period of 1 year including internal alterations and creation of two emergency exits onto Donegall Street.	<b>Location:</b> Ground Floor Print Hall 122-144 Royal Avenue Belfast BT1 1DN
<b>Referral Route:</b> Belfast City Council has an interest in the land	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> The Limelight Belfast Ltd 17 Clarendon Road Belfast BT1 3BG	<b>Agent Name and Address:</b> Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<p><b>Executive Summary:</b></p> <p>Planning permission was sought for a temporary change of use of a former print hall to an event space for a two year period. During the course of consultation, this description was changed to 1 year to ensure compatibility with potential future development.</p> <p>The site is located within the development limits for Belfast. The site is unzoned whiteland within the draft BMAP 2015 and also falls within the City Centre limit, the Scotch/Cathedral character area and the city centre area of parking constraint under draft BMAP 2015. It is adjacent to a listed building which is the Belfast Telegraph building within the same block.</p> <p>The main issues to be considered are;</p> <ul style="list-style-type: none"> <li>- The principle of the use proposed,</li> <li>- The impact on traffic and parking; and</li> <li>- Impact on the amenity of the area</li> </ul> <p>The proposal has been assessed against the draft development plan (dBMAP 2015) and relevant regional planning policies. The proposal is considered to comply with the development Plan and relevant regional planning policies.</p> <p>No third party representations have been received.</p> <p>Transport NI, Environmental Health and Historic Environment Division were consulted and have no objection.</p> <p><b>Recommendation</b></p> <p>Having had regard to the development plan and other material considerations it is recommended that the application is approved subject to conditions. Delegated authority is requested for the Director of Planning and Place to finalise planning conditions.</p>	

## Case Officer Report

## Site Location Plan



- 1.0 **Description of Proposed Development**  
Temporary change of use of former printing hall to event space for a period of 1 year including internal alterations and creation of two emergency exits onto Donegall Street.

**Planning Assessment of Policy and other Material Considerations**

- 3.0 **Z/2004/0303/F** - 124-144 Royal Avenue, Belfast - Adjustments to existing roof to facilitate the installation of a new printing press – PERMISSION GRANTED – 17.05.2004

4.0 **Policy Framework**

4.1 Regional Development Strategy 2035;

4.2 Belfast Urban Area Plan 2001;  
Belfast Metropolitan Area Plan (BMAP) 2015 (draft);

4.3 Strategic Planning Policy Statement for NI (SPPS); and  
Planning Policy Statement 3 – PPS 3 - Access, Movement and Parking  
Planning Policy Statement 4 – PPS 4 - Planning and Economic Development  
Planning Policy Statement 6 – PPS 6 - Planning, Archaeology and the Built Environment

5.0 **Representations:**

None received.

6.0	<b>Assessment</b>
6.1	<b>Consultations:</b>
	<p>The following bodies were consulted as part of the processing of this application:</p> <ul style="list-style-type: none"> <li>• TransportNI</li> <li>• Belfast City Council's Environment and Health Services Dept.</li> <li>• Historic Environment Division</li> </ul>
6.1.1	<p>Transport NI requested further information (e.g. Travel Plan and Event Management Plan). This information was prepared and submitted and having considered the information Transport NI has no objection subject to conditions and informatives.</p>
6.1.2	<p>HED has no objections in principle.</p>
6.1.3	<p>Environmental Health requested clarification on matters such as noise. This information was been prepared and submitted. In consultation with EH, a potential conflict between the proposal and a current planning application at 2-14 Little Donegall Street (LA04/2016/1915/F) for residential use. As a result of discussions with the agent, it was agreed to reduce the required period from 2 years to 1. The final response from EH states that:</p> <p><i>This Service would advise that in the event the grant of planning permission is realised for the residential development and the apartments are developed and occupied before the 12 month temporary permission for the event space expires, significant adverse impacts with regards to residential amenity and noise disturbance are likely to result.</i></p> <p><i>This Service would raise concern regarding the concurrent use of both developments mainly due to the separation distance of just 9m between the facades of the event space and proposed apartments and the limitations in mitigating amplified sound, in particularly noise with a dominant low frequency component, emanating from the event space to a reasonable level within habitable rooms so that amenity is protected.</i></p> <p>It goes on to say:</p> <p><i>Due to shortfalls in the noise assessment information submitted to date we would expect to see all the outstanding data (representative background noise survey/the assessment and control of low frequency noise/adequate assessment at noise sensitive receptors) presented in future reports to fulfil requirements of the special conditions of the Entertainment Licence.</i></p> <p>Environmental Health also provided informatives for use on any decision.</p>
6.2	<b>Constraints:</b>
6.2.1	<p>Following the Court of Appeal (18<sup>th</sup> May 2017) decision on BMAP the extant development plan is now the BUAP 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, Draft BMAP remains a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker in each particular case.</p>
6.2.2	<p>The proposed development lies within the development limit for Belfast City Centre (CC001), within Scotch/Cathedral Character Area (CC010), and within the Belfast City Core Area of Parking Restraint (CC025).</p>
6.2.3	<p>The site is adjacent to the listed Belfast Telegraph building.</p>

6.3	<p><b>Policy Context</b></p>
6.3.1	<p>Planning Policy Statement 3 – PPS 3 – Access, Movement and Parking outlines the requirements for developments. Transport NI were consulted and have no objection subject to conditions and informatives.</p>
6.3.2	<p>Planning Policy Statement 4 – PPS 4 – Planning and Economic Development contains a number of policies against which economic development proposals (including sui generis uses) can be assessed. Policy PED 9 outlines general criteria for economic development and Criteria (a), (b), (c), (e), (g), and (h) apply. Therefore the policy requires that it is compatible with surrounding land use, does not harm the amenity of nearby residents, does not adversely affect features of the natural or built heritage, and provides adequate and sustainable parking and access. It is considered that the use of the premises for a period of 1 year complies with policy PED 9.</p>
6.3.3	<p>Planning Policy Statement 6 – PPS 6 – Planning, Archaeology and the Built Environment outlines policies relevant to protecting the built environment and as there is a listed building adjacent to the site, Policy BH 11 is relevant. Historic Environment Division were consulted and had no objections.</p>
6.4	<p><b>Principle of Development:</b> The proposed use falls within no specific use class (sui generis).The site is unzoned and as such the proposed use is not contrary to the development plan. An entertainment venue will naturally have associated concerns such as noise, disturbance and event management which must be considered.</p>
6.5	<p><b>Design:</b> The change of use results in minimal external alterations with the exception of the two exits onto Donegall Street. These are considered acceptable in design terms.</p>
6.6	<p><b>Impact on Residential Amenity:</b> In respect of noise, nuisance and disturbance from the intended use, Environmental Health Unit in the council who is the statutory authority regarding such, was consulted. EHU requested a number of items of further information and clarification with regards to noise and proximity to residential units. Concern was raised about a live planning application for apartments on the Listed ‘Frames’ building site. As a result, the agent reduced the requested timeframe from 2 years to 1 and highlighted that noise monitoring will be a key requirement of the licensing process. Whilst the possibility of residential development in close proximity is a key consideration, the planning application is still under consideration and there are significant issues relating to potential adverse impact on the historic fabric of the Frames listed building which remain to be resolved. Whilst the final decision on the residential application (LA04/2016/1915/F) remains uncertain, it is considered that the proposed use as an event space is acceptable for a 1 year period.</p>
6.7	<p><b>Event Management</b> An Event Management plan was received and addresses issues of crowd management, noise, litter and other environmental impacts.</p>
7.0	<p><b>Recommendation</b> Having regard to the policy context and other material considerations as set out above, the proposal is considered acceptable and temporary planning permission is recommended subject to the following conditions with delegated authority requested for the Director of Planning and Place to finalise the wording of conditions:</p>

8.0	<p><b>Conditions and Informatives</b></p> <p><b>Conditions:</b></p> <p>1. The permission hereby granted shall be for a limited period of 1 year only from the date of this permission.</p> <p>Reason: To enable the Council to consider the development in the light of circumstances then prevailing.</p> <p>2. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. MAR-BT-Plan Rev. 07, General Arrangement Plan' published by Belfast City Council Planning Office on 01 November 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for access.</p> <p>3. A minimum of 12 No. cycle parking spaces and stands shall be provided and permanently retained within the development for use by staff and visitors to the development.</p> <p>Reason: To encourage the use of alternative modes of transport for development users.</p> <p>4. The development hereby permitted shall operate in accordance with the approved Event Management Plan published by Belfast City Council Planning Office on 01 November 2017.</p> <p>Reason: in the interests of road safety and the convenience of road users.</p> <p>5. The development hereby permitted shall operate in accordance with the approved Travel Plan, including the Service Management Plan, published by Belfast City Council Planning Office on 01 November 2017. The Site Operator will provide access to the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by Dfl Roads.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p> <p><b>Informatives</b></p> <p>1. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p> <p>2. Notwithstanding the terms and conditions of the Department for Infrastructure's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge,</p>

or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Belfast North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH. Email: TNI.BelfastNorth@infrastructure-ni.gov.uk. A monetary deposit will be required to cover works on the public road.

3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

4. All construction plant and materials shall be

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.

7. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011**  
Where Belfast City Council is satisfied that a statutory noise nuisance exists, the Council has a duty to serve a Noise Abatement/Prohibition Notice on the Licensee as the person responsible of the premises from which the nuisance arises.

Patron noise associated with the development should be suitably managed and controlled to ensure that residential premises are not disturbed by noise.

8. **NOISE ACT 1996**

The Noise Act 1996 applies to night-time noise between 11pm to 7am. Where excessive noise from a licensed premises affects a residential premises, a Warning Notice can be served requiring a reduction of noise within ten minutes. Failure to comply with the permitted level can result in a fixed penalty fine of £500 or prosecution in the courts.

9. **THE SMOKING (NI) ORDER 2006**

The applicant is advised to ensure that the designated smoking area is suitably managed and controlled to prevent noise, anti-social behaviour, litter causing disturbance and loss of amenity.



## ANNEX

<b>Date Valid</b>	2 <sup>nd</sup> October 2017
<b>Date First Advertised</b>	6 <sup>th</sup> October 2017
<b>Date Last Advertised</b>	6 <sup>th</sup> October 2017

### Details of Neighbour Notification (all addresses)

The Owner/Occupier,  
 10 Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 10a ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 12-14 ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 124-144 ,Royal Avenue,Belfast,Antrim,BT1 1DN,  
 The Owner/Occupier,  
 129 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 139-141 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 1st Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 2-10 Metropol House,York Street,Belfast,Antrim,BT15 1AQ,  
 The Owner/Occupier,  
 28-30 Chatham House,Library Street,Belfast,Antrim,BT1 2JB,  
 The Owner/Occupier,  
 35 Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 3rd Floor Left,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 3rd Floor Right,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 4 Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 6-8 ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 76-78 ,Donegall Street,Belfast,Antrim,BT1 2GU,  
 The Owner/Occupier,  
 96 Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Belfast Central Library,10 Library Street,Belfast,Antrim,BT1 2JB,  
 The Owner/Occupier,  
 Belfast Central Library,Kent Street,Belfast,Antrim,BT1 2JA,  
 The Owner/Occupier,  
 Belfast Central Training Ltd,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,

The Owner/Occupier,  
 Belfast Education & Library Board,Central Library,Royal Avenue,Belfast,Antrim,BT1  
 1EA,  
 The Owner/Occupier,  
 Belfast Telegraph Newspapers Ltd,1-21 ,Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Belfast Telegraph Newspapers Ltd,134-144 ,Royal Avenue,Belfast,Antrim,BT1 1DN,  
 The Owner/Occupier,  
 Belfast Telegraph Newspapers Ltd,22-26 ,Library Street,Belfast,Antrim,BT1 2JB,  
 The Owner/Occupier,  
 Belfast Telegraph Newspapers Ltd,23-29 ,Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 City Hibernian Club,31a ,Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Datura Enterprises,Office 4th Floor,141-143 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 Dcg Marketing,2nd Floor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Donegall Street,Belfast,Antrim,,  
 The Owner/Occupier,  
 Federation Of Small Business,Office 1st Floor,141-143 ,Royal  
 Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 Frames Complex,Offices 1st And Part 2nd Floor,2-14 ,Little Donegall  
 Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Ground & 1st Floors,95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH,  
 The Owner/Occupier,  
 John Neil Partnership,Ground Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 Kremlin Associates,96 Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 L Stanley Ltd,33 Little Donegall Street,Belfast,Antrim,BT1 2JD,  
 The Owner/Occupier,  
 Mcconnell Martin,95-97 ,Donegall Street,Belfast,Antrim,BT1 2AH,  
 The Owner/Occupier,  
 Office 2nd Floor,141-143 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 Office 3rd Floor,141-143 ,Royal Avenue,Belfast,Antrim,BT1 1FH,  
 The Owner/Occupier,  
 P J Mcneill & Co,2nd Floor,133 Royal Avenue,Belfast,Antrim,BT1 1FG,  
 The Owner/Occupier,  
 Paschal J O'Hare Solicitors,1stfloor,98-102 ,Donegall Street,Belfast,Antrim,BT1 2GW,  
 The Owner/Occupier,  
 Pipeworks,2-6 ,Union Street,Belfast,Antrim,BT1 2JF,  
 The Owner/Occupier,  
 Stannifer Developments Ltd,95-97 ,Donegall Street,Belfast,Antrim,BT1 2FJ,

<b>Date of Last Neighbour Notification</b>	18 <sup>th</sup> October 2017
<b>ES Requested</b>	No

### Planning History

Ref ID: Z/2014/1153/F

Proposal: Provision of additional plant including generators, transformers and chillers on the roof of the publishing block

Address: 126-144 Royal Avenue, Belfast, BT1 1EB,

Decision: PG

Decision Date: 13.11.2014

Ref ID: Z/2012/0361/F

Proposal: New university campus in Belfast City Centre. Development of 3 no. new buildings (Block A, Block B and Block C) with total floor area (gross external) of 85736 sqm. The maximum height of the buildings is 12 storeys at corner of Frederick Street and York Street. The development will be characterised by 2 no. lantern features at the corners of York Street and Donegall Street and York Street and Great Patrick Street.

Public realm improvements to York Lane and in proximity to university buildings.

Demolition of existing footbridge and development of new footbridge over York Street.

Minor works to the existing Block 82 external facades. (Further Environmental Information received)

Address: Metropole, Orpheus, Interpoint, York House, Playboard and Block 82, York Street / Frederick Street / Great Patrick Street, Belfast, BT15 1ED,

Decision: PG

Decision Date: 20.05.2013

Ref ID: Z/2004/1550/A

Proposal: 2 No. illuminated advertising signs.

Address: Belfast Telegraph Building, Royal Avenue, Belfast

Decision:

Decision Date: 15.03.2005

Ref ID: Z/2004/1549/A

Proposal: 1 no. advertising sign.

Address: Belfast Telegraph Building, Royal Avenue, Belfast

Decision:

Decision Date: 11.01.2005

Ref ID: Z/2004/0303/F

Proposal: Adjustments to existing roof to facilitate the installation of a new printing press

Address: 124-144 Royal Avenue, Belfast

Decision:

Decision Date: 17.05.2004

Ref ID: LA04/2017/0547/PAD

Proposal: Demolition of the existing buildings (excluding the Grade B2 listed building) and re-development of the site including the provision of up to 25,000 sq m gross

floorspace comprising a yet to be defined set of uses from Class B1 (a) office, Class B1

(b) light industrial floorspace, an hotel, retail (A1), financial, professional and other services (A2) and restaurants, café and bars (sui generis), basement parking and related access. Overlapping local full planning permission and listed building consent for works associated with the conversion of Grade B2 listed building to the hotel.

Address: 124-144 Royal Avenue, Belfast, BT1 1DN.,

Decision:

Decision Date:

Ref ID: LA04/2015/0184/F

Proposal: Belfast Streets ahead-phase 3. Public realm/ environmental improvement project to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping.

Stopping up of a section of Library Street to create Library Square. Stopping up of a section of Academy Street to extend Cathedral Gardens

Address: Royal Avenue, York Street (part), Frederick Street, Great Patrick Street (part), York Lane, Library Street (part), Little Donegall Street (part), Academy Street, Talbot Street, Curtis Street, Clarkes Lane, Exchange Street West & Cathedral G

Decision: PG

Decision Date: 26.11.2015

**Notification to Department (if relevant)**

N/A

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> Nov 2017	
<b>Application ID:</b> LA04/2017/2112/F	
<b>Proposal:</b> Variation of condition 7 (LA04/2016/1252/F) which refers to legislative procedures for the loading bay.	<b>Location:</b> Site bounded by Little York Street Great George's Street and Nelson Street Belfast
<b>Referral Route:</b> Variation of Condition on a major application	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Olympian Homes 78 Buckingham Gate London SW1E 6PE	<b>Agent Name and Address:</b> Like Architects 3 Linenhall Street West Belfast BT2 8DY
<p><b>Executive Summary:</b> The application seeks planning permission for the variation of condition 7 (LA04/2016/1252/F) which refers to legislative procedures for the loading bay.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• Variation of planning condition requiring the loading bay as approved to be put in place prior to occupation as opposed to prior to commencement of development.</li> </ul> <p>The site is located on a development opportunity site in the Draft Belfast Metropolitan Area Plan on the outskirts of Belfast City Centre.</p> <p>The principle of Purpose Built Student Accommodation (PBSA) was established on the site through the granting of a planning approval in January 2017 for a 12 storey purpose built managed student accommodation block (774 beds).</p> <p>The proposal has been assessed against – the Draft Belfast Metropolitan Area Plan; and relevant planning Policies contained within the Strategic Planning Policy for Northern Ireland, Planning Policy Statement 3: Access Movement and Parking. The proposal is considered to be in accordance with the relevant planning policies, and other material considerations.</p> <p>The initial condition required that the appropriate legislative procedures for the approved loading bay on Nelson Street are successfully completed prior to the commencement of the development on site. The applicant has requested that the condition is amended to allow work to commence prior to these legislative procedures being completed, and the procedures are now completed prior to the occupation of the building.</p> <p>DfI Roads have no objections to the proposal and have requested that the wording of the condition now reads as follows:</p> <p><b>The development hereby permitted shall not be occupied or otherwise become operational until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</b></p>	

**Reason: In the interests of road safety and the convenience of road users**

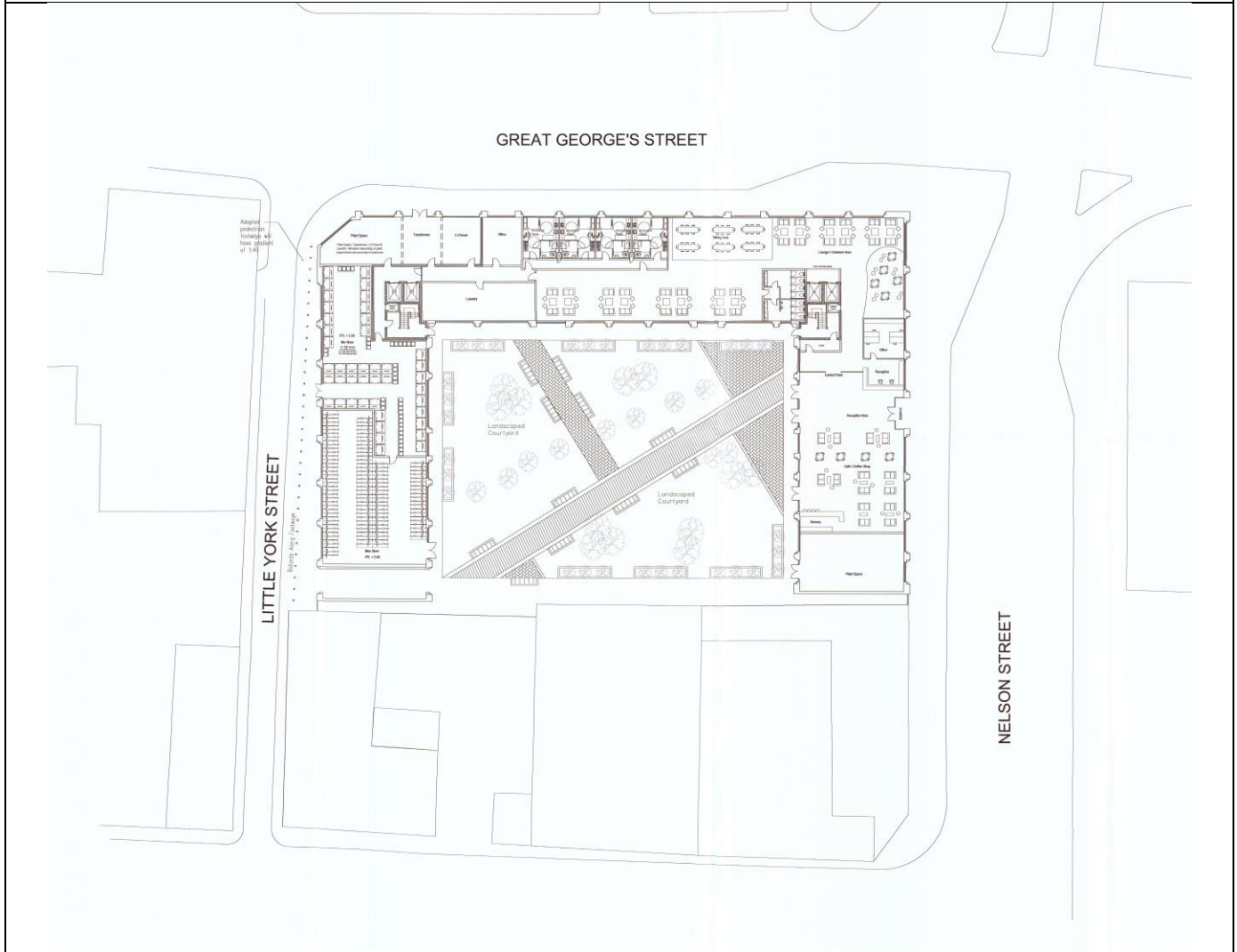
There has been no public objection to the proposal.

**Recommendation**

Approve subject to the condition detailed above.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

<b>1.0</b>	<p><b>Description of Proposed Development</b> Variation of condition 7 (LA04/2016/1252/F) which refers to legislative procedures for the loading bay.</p>
<b>2.0</b>	<p><b>Description of Site</b> The site is located at a main junction at the edge of the inner city limits. Vacant 0.4Ha site, enclosed by a mix of 3m high railings and advertising hoardings on three sides and an established block of vacant buildings to the south.</p>

### Planning Assessment of Policy and other Material Considerations

<b>3.0</b>	<p><b>Planning History</b></p> <p>Z/2004/0714/F - Redevelopment of site to provide housing comprising of 48 apartments and 18 terraced houses. Approved 25.01.06</p> <p>Z/2007/2672/F - Demolition of existing retail unit and construction of 11-storey mixed use. Approved 04.12.10</p> <p>Z/2008/0824/F - Construction of 238 No. 1bed and 2 bed apartments with 200 No. parking spaces on ground and first floor levels with elevated landscaped central courtyard. Approved 14.10.14</p> <p>Z/2011/0737/O - Site for social housing development. Refused 21.10.14</p> <p>Z/2012/0352/O - Apartment development of 217 units. Appeal Upheld 22.05.13 (2012/A0079)</p> <p>LA04/2015/0716/F - Erection of a 11 storey building for managed 354 student accommodation studios with shared communal areas; external courtyard; other ancillary accommodation including a reception/management suite and communal areas; plants and storage areas; cycle provision. Approved 17.10.16.</p> <p>LA04/2016/1252/F - Purpose built managed student accommodation (774 beds). Maximum height of 12 storeys. Approved 23.01.17</p>
<b>4.0</b>	<b>Policy Framework</b>
<b>4.1</b>	Draft Belfast Metropolitan Area Plan 2015 Policy TRAN 1 Parking Standards with Areas of Parking Restraint.
<b>4.2</b>	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking
<b>5.0</b>	<b>Statutory Consultees</b> DfI Roads – No objection
<b>6.0</b>	<b>Non-Statutory Consultees</b> N/A
<b>7.0</b>	<b>Representations</b> None received
<b>8.0</b>	<b>Other Material Considerations</b> N/A
<b>9.0</b>	<p><b>Assessment</b></p> <p>9.1 The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Variation of condition requiring the loading bay as approved to be put in place prior to occupation as opposed to prior to commencement of development.</li> </ul> <p><b>Variation of Condition</b></p> <p>9.2 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p> <p>9.3 The site is located within the development limits of Belfast in the draft Area Plan and on a development Opportunity Site and on a social housing zoning on the version purported to be adopted. The principal of student accommodation was established on the site through the granting of planning permission, on 23<sup>rd</sup> January 2017, for a 12 storey block of purpose built managed student accommodation (PBMSA) consisting of 774 beds, reception/management</p>



<p>9.4</p>	<p>suite, common room space, landscaped courtyard area, cafe/coffee shop, bike and general storage area.</p> <p>One of the conditions, Number 7 on the decision notice, as requested by DfI Roads read as follows:</p> <p><i>No works shall commence until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</i></p> <p><i>Reason: In the interests of road safety and the convenience of road users</i></p>
<p>9.5</p>	<p>The application seeks to amend this condition to read as follows:</p> <p><i>No works shall <b>be occupied</b> until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</i></p> <p><i>Reason: In the interests of road safety and the convenience of road users</i></p>
<p>9.6</p>	<p>DfI Roads considers this variation acceptable. Should Planning Service be minded to progress the variation towards an approval then DfI Roads require the Condition be rephrased as follows:</p> <p>The development hereby permitted shall not be occupied or otherwise become operational until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</p> <p>Reason: In the interests of road safety and the convenience of road users</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation: Approval</b></p>
<p>10.1</p>	<p>Having regard to original planning approval and relevant policy set out above the recommendation is to amend the condition as requested by DfI Roads. The essence of the condition remains the same and will allow works to commence prior to all legislative procedures for the loading bay on Nelson Street being completed. These procedures will now be completed prior to occupation of the building approved under LA04/2016/1252/F.</p>
<p>11.0</p>	<p><b>Summary of Conditions</b></p>
<p>11.1</p>	<p>The development hereby permitted shall not be occupied or otherwise become operational until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</p> <p>Reason: In the interests of road safety and the convenience of road users</p>

<b>ANNEX</b>	
<b>Date Valid</b>	19th September 2017
<b>Date First Advertised</b>	29th September 2017
<b>Date Last Advertised</b>	29th September 2017
<b>Date of Last Neighbour Notification</b>	NA
<b>Date of EIA Determination</b>	NA
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01, 02, 03, 04	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department:	