

## Addendum Report 1

**Committee Meeting Date:** 12<sup>th</sup> December 2023

**Application ID:** LA04/2023/2922/F

**Target Date:**

**Proposal:** Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping.

**Location:** Site bounded by Glenalpin Street, Wellwood Street and Norwood Street, Belfast

**Referral Route:** Major development

**Recommendation:**

That the Council's position should be that planning permission is refused and the appeal dismissed.

**Applicant Name and Address:**  
Artemis Development Ltd

**Agent Name and Address:**  
Turley  
Hamilton House  
3 Joy Street  
Belfast  
BT2

### Background

This application was due to be considered by the Planning Committee at its 14<sup>th</sup> November 2023 meeting. However, on 10<sup>th</sup> November, the applicant gave notice to the Planning Service that it had submitted an appeal for non-determination. The appeal was submitted within a timely manner (i.e. after 2 months from the application valid date and within 4 months of when the decision should have been made, i.e. by 18<sup>th</sup> February 2024). The appeal has subsequently been confirmed by the Planning Appeals Commission.

The Committee was then due to discuss the Council's position at the appeal, however, the Committee deferred the matter for a Committee site visit. The Committee site visit is scheduled for Friday 8<sup>th</sup> December.

This report should be read in conjunction with the report to the 14<sup>th</sup> November 2023 Committee, appended.

### Updated Consultations

Environmental Health responded on 14<sup>th</sup> November 2023, offering no objection subject to conditions relating to noise mitigation and a student management plan.

### Recommendation

Having regard to the development plan and other material considerations, the proposed development is considered unacceptable as the site is located within an established residential area and as such is contrary to Policy HOU12 of the Plan Strategy. Moreover, at this current time, there is not a completed Section 76 planning agreement in place to secure the management plan and Employability and Skills Plan necessary to make the development acceptable.

It is therefore recommended that the Council's position at the appeal should be that planning permission is refused and that the appeal is dismissed.

**Draft Refusal Reasons for the Appeal**

1. The proposal is contrary to Policies RD1 (a) and HOU12 (a) of the Belfast Local Development Plan: Plan Strategy 2035 as the site is located within an Established Residential Area. The proposal would place undue pressures on housing and local amenities. Moreover, the proposal would not be complimentary to surrounding residential uses and would be an incompatible form of development given the introduction of a significant number of students within existing housing.
2. A Section 76 planning agreement is not in place at this time to secure the provision of a student management plan and a Construction Employability and Skills Plan, both required to make the proposal acceptable. The proposal is in contravention with Policy HOU12 of the Belfast Local Development Plan: Plan Strategy 2035 and Belfast City Council's Developer Contributions Framework 2020 and is unacceptable.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> November 2023	
<b>Application ID:</b> LA04/2023/2922/F	<b>Target Date:</b>
<b>Proposal:</b> Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping.	<b>Location:</b> Site bounded by Glenalpin Street, Wellwood Street and Norwood Street, Belfast
<b>Referral Route:</b> Major development	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Artemis Development Ltd	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2
<p><b>Executive Summary:</b> This application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation (PBMSA) development comprising 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping. The site is bounded by Glenalpin Street, Wellwood Street and Norwood Street.</p> <p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Scale, Massing and Design</li> <li>• Climate change</li> <li>• Open Space Provision</li> <li>• Impact on Built Heritage</li> <li>• Traffic and Parking</li> <li>• Impact on Amenity</li> <li>• Contamination</li> <li>• Impact on Air Quality</li> <li>• Noise</li> <li>• Drainage and Flooding</li> <li>• Waste water infrastructure</li> <li>• Waste Management</li> <li>• Developer Contributions/Section 76 Agreement</li> <li>• Pre-application Community Consultation</li> </ul> <p>The principle of Purpose Building Managed Student Accommodation is considered unacceptable as the site is located within an established residential environment as defined in the LDP Plan Strategy (Appendix C), in conflict with Policy HOU12.</p>	

The proposed scale and massing of the proposed building are considered acceptable, with a previous outline application for a residential building of an almost identical massing approved in June 2019. The design, detailing and materiality are considered appropriate to the site's setting and are of a quality that will not detract from the character of the area.

DFI Roads has raised concerns due to the absence of disabled parking. However, 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. It should also be noted that two disabled parking spaces have been proposed in a lay-by on Norwood Street.

Consultation responses are summarised below.

**Statutory consultees:**

DFI Roads – objection  
DAERA – approval subject to conditions  
DFI Rivers – no objection  
Belfast City Airport – no objection  
Shared Environmental Services – no objection

**Non-statutory consultees:**

Senior Urban Design Officer (SUDO) – no objection  
BCC City Regeneration and Development team – no objection  
BCC Environmental Health – response Outstanding  
BCC Place and Economy Team – no objection

166 objections have been received along with a 271 signature petition. These are set out and considered in the main report.

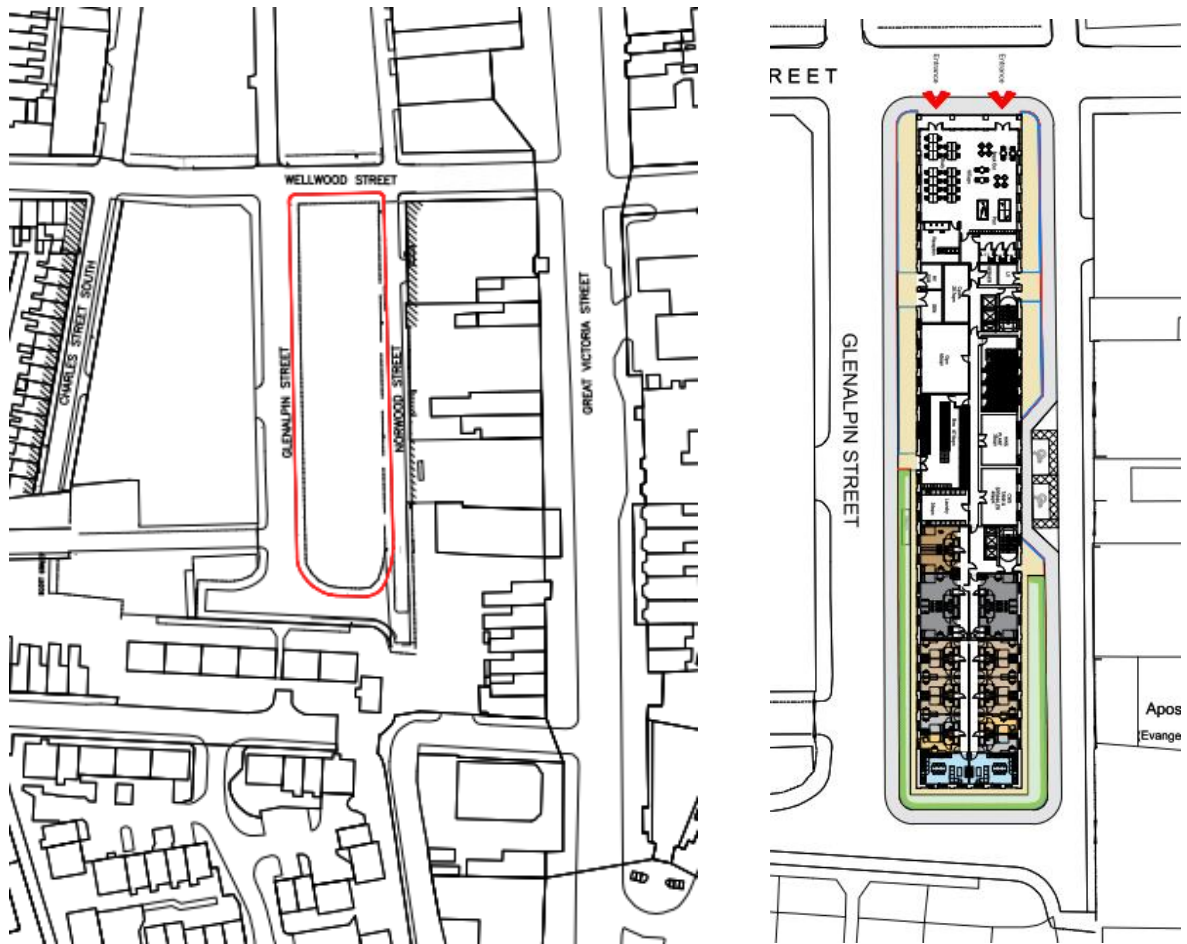
**Recommendation**

Having regard to the development plan and other material considerations, the proposed development is considered unacceptable as the site is located within an established residential area and as such is contrary to Policy HOU12 of the Plan Strategy. Moreover, at this current time, there is not a completed Section 76 planning agreement in place to secure the management plan and Employability and Skills Plan necessary to make the development acceptable.

It is therefore recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

# Case Officer Report

## Site Location Plan and layout



### 1.0 Description of Proposed Development

1.1 The application seeks full planning permission for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on-street car parking and landscaping.

1.2	The proposed building is in a single and elongated block with a maximum height of approximately 35.5m (11 storeys) facing onto Wellwood Street. This drops to 17m (5 storeys) before rising and dropping again to 25m (8 storeys) and 17m to the rear of the site backing onto the dwellings in St. Georges Gardens.												
1.3	The proposed building includes two primary external amenity spaces. The first being on the ground floor which includes a hard and soft landscaped recreation space providing communal amenity facilities, and a second hard and soft landscaped communal area is located on the fifth floor.												
1.4	<p>The proposal includes:</p> <table border="1" data-bbox="320 595 1487 808"> <thead> <tr> <th data-bbox="320 595 906 629">Ground Floor</th> <th data-bbox="906 595 1487 629">Upper Floors</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 629 906 663">Common social space</td> <td data-bbox="906 629 1487 663">Shared kitchen, living and dining facilities</td> </tr> <tr> <td data-bbox="320 663 906 696">Gym</td> <td data-bbox="906 663 1487 696">External landscape terrace</td> </tr> <tr> <td data-bbox="320 696 906 730">Kitchen</td> <td data-bbox="906 696 1487 730"></td> </tr> <tr> <td data-bbox="320 730 906 763">Cinema room</td> <td data-bbox="906 730 1487 763"></td> </tr> <tr> <td data-bbox="320 763 906 797">Bicycle storage area</td> <td data-bbox="906 763 1487 797"></td> </tr> </tbody> </table>	Ground Floor	Upper Floors	Common social space	Shared kitchen, living and dining facilities	Gym	External landscape terrace	Kitchen		Cinema room		Bicycle storage area	
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1.5	The proposal includes 128 no. cycle racks at ground floor level within an internal storage area and provides for two disabled car parking spaces which would be accommodated within a proposed lay by on Norwood Street.												
1.6	The proposed ground floor plan includes an area of recreation space to the front (northern end) of the building.												
1.7	A large service space is proposed to the rear of the building. A 3.0m setback buffer is proposed at ground floor around the full extent of the two side and rear elevations. The 3.0m buffer extends around the rear half of the building at ground floor, where a total of 18 student rooms and two communal kitchen/living areas are located. Here the buffer comprises artificial grass bounded by planted hedging and metal railings.												
<b>2.0</b>	<b>Description of Site</b>												
2.1	The application site is located within the city centre and is bounded by existing streets on all four sides and currently serves as a surface level car park.												
2.2	The surrounding area consists of housing to the south and west, modern apartment blocks on either side. A vacant car park (owned by NIHE) is located immediately north of the site with the Europa Bus and Train Station beyond this to the north west.												
<b>3.0</b>	<b>Planning History of the application site</b>												
3.1	LA04/2019/0127/O - Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping. Approved 11 <sup>th</sup> June 2019.												
3.2	LA04/2023/3635/RM - Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works. Current application (undecided)												

<b>4.0</b>	<b>Policy Context</b>
4.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
4.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
4.4	<p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <ul style="list-style-type: none"> <li>• SP1a Managing growth and supporting infrastructure delivery</li> <li>• SP2 Sustainable development</li> <li>• SP3 Improving health and wellbeing</li> <li>• SP5 Positive placemaking</li> <li>• SP6 Environmental resilience</li> <li>• SP7 Connectivity</li> <li>• SP8 Green and blue infrastructure network</li> <li>• HOU11 Intensive Housing Nodes</li> <li>• HOU12 Large Scale Purpose Built Student Accommodation</li> <li>• RD1 New Residential Developments</li> <li>• DES1 Principles of Urban Design</li> <li>• DES2 Masterplanning approach for Major development</li> <li>• DES 3 Tall Buildings</li> <li>• BH1 Listed Buildings</li> <li>• SD3 City Centre</li> <li>• CC1 Development Opportunity Sites</li> <li>• TRAN 1 Active Travel</li> <li>• TRAN 2 Creating an Accessible Environment</li> <li>• TRAN 4 Travel Plan</li> <li>• TRAN 6 Access to Public Roads</li> <li>• TRAN 8 Car Parking and Servicing Arrangements</li> <li>• TRAN 9 Parking Standards within areas of parking restraint</li> <li>• ENV1 Environmental Quality</li> <li>• ENV2 Mitigating Environmental Change</li> <li>• ENV3 Adapting to Environmental Change</li> <li>• ENV5 Sustainable Drainage System</li> <li>• OS3 Ancillary Open Space</li> </ul>
4.5	<b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015), HMO Subject Plan 2015 and other relevant area

	<p>plans. The weight to be afforded to these proposals maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps ("Departmental Development Plan), it is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
4.6	<p>In the BUAP, the application site is located on unzoned whiteland within the City Centre. In dBMAP (v2004), the site is also within the City Centre and defined as a Development Opportunity Site (CC060). In dBMAP (v2014), the site is unzoned whiteland within the City Centre and Shaftsbury Square Character Area (CC013).</p>
4.7	<p><u>Regional planning policy</u>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)  Creating Places</p>
4.8	<p><u>Other Relevant Policies</u>  PBMSA in Belfast – Planning and Place Advice Note  Belfast: A Framework for student housing and purpose-built student accommodation  Developer Contribution Framework</p>
<b>5.0</b>	<p><b>Statutory Consultees</b>  DFI Roads – objection on grounds of lack of dedicated disabled parking  DAERA – approval subject to conditions  DFI Rivers – no objections  Belfast City Airport – no objection  Shared Environmental Services – no objection</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b>  BCC Environmental Health – response outstanding  BCC Urban Design Officer – no Objection  BCC City Regeneration and Development Team – no objection  BCC Place and Economy Team – no objection</p>
<b>7.0</b>	<p><b>Representations</b></p> <p>166 objections have been received to date as well as a petition against the proposal with 271 signatures. Concerns are raised include the following:</p> <ul style="list-style-type: none"> <li>● <b>Need for Social Housing in the area for local people instead</b></li> <li>● <b>Restoration of family homes more beneficial</b>  <i>Officer response – the site is unzoned and the Council must consider the application before it. There is no policy requirement for social/ affordable housing for PBMSA applications.</i></li> <li>● <b>PBMSA inappropriate adjacent to family homes</b>  <i>Officer response – this is reflected in the recommendation to refuse. It is considered that the proposal is an inappropriate form of development within an established residential area.</i></li> <li>● <b>Proliferation of Student Accommodation in the area</b>  <i>Officer response – this is not a specific planning concern and the applicant has demonstrated a need for the proposal</i></li> </ul>



	<ul style="list-style-type: none"> <li>• <b>Potential for Anti-Social Behaviour</b> <i>Officer response – an Outline Student Management Plan has been provided. Nevertheless, there are concerns about the inappropriateness of PBMSA within an established residential area and this is reflected in the refusal reason.</i></li> <li>• <b>Private Development in the area has not benefitted the community</b></li> <li>• <i>Officer response – development proposals must be assessed having regard to the Development Plan and material considerations. Community benefits are specifically recognised as not being material considerations.</i></li> <li>• <b>Scale and massing out of keeping with area</b> <i>Officer response – the scale and massing of the proposal will be discussed later in the report. The scale of the building is consistent with the current outline approval for residential development and considered acceptable.</i></li> <li>• <b>Loss of privacy/ loss of light</b> <i>Officer response – this will be addressed in detail in the report under ‘Impact on amenity’. It is inevitable that introducing a building of this scale will lead to some impact on amenity for residents in adjacent housing and apartment blocks. However, for the reasons set out, it is considered that any impact on amenity would not be considered significant in this high density inner city environment.</i></li> <li>• <b>Impact on amenity during construction</b> <i>Officer response – although the proposal is being recommended for approval, should approval be forthcoming a construction environmental management plan would be conditioned to ensure nearby properties would not experience significant loss of amenity during the construction phase.</i></li> <li>• <b>Increase in traffic</b> <i>Officer response – this is a zero parking scheme in an area of parking restraint. Given the proximity of the city centre public transport network along with the provision of a Travel Plan promoting alternatives to the private car, with minimal levels of on-street parking should significantly reduce levels of car usage to and from the site.</i></li> <li>• <b>History of parking problems in the area</b> <i>Officer response – this is a zero parking scheme with only two disabled car parking spaces proposed on-street. DFI Roads are satisfied that PBMSA proposals within the city centre and areas of parking restraint do not require specific parking.</i></li> </ul>
8.0	<b>ASSESSMENT</b>
8.1	<p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Scale, Massing and Design</li> <li>• Climate change</li> <li>• Open Space Provision</li> <li>• Impact on Built Heritage</li> <li>• Traffic and Parking</li> <li>• Impact on Amenity</li> <li>• Contamination</li> <li>• Impact on Air Quality</li> <li>• Noise</li> <li>• Drainage and Flooding, Wastewater infrastructure</li> <li>• Waste Management</li> <li>• Developer Contributions/Section 76 Agreement</li> <li>• Pre-application Community Consultation</li> </ul>

	<p><b>Principle of Development</b></p> <p>8.2 Policy HOU12 of the PS relates to the provision of PBMSA. It states that planning permission will only be granted for large-scale purpose-built student accommodation where five criteria are met, a-e.</p> <p style="padding-left: 40px;">a. <i>The proposal is easily accessible to higher education Institution campuses by sustainable transport modes and is not within an established residential area</i></p> <p>8.3 The site is conveniently located close to active travel infrastructure and public transport network. The campuses of Queen’s and Ulster Universities are approximately 10-20 minutes walking distance of the site.</p> <p>8.4 However, the site is considered to be within a “residential area” where PBMSA proposals are precluded. Appendix B of the Plan Strategy defines an established residential area as having the following characteristics: -</p> <ul style="list-style-type: none"> <li>• Normally taken to mean residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens;</li> <li>• Contains buildings in commercial, retail or leisure services use usually clustered together or proportionate in scale to the size of the neighbourhood being served;</li> <li>• Areas which display a clear spatial structure;</li> <li>• Building forms, plot sizes and shapes are similar with a well-defined pattern of local development; and</li> <li>• Have an overall spatial structure is often delineated by a clear network of streets and roads.</li> </ul> <p>8.5 The Planning Service’s Plans and Policy unit advises that:</p> <p><i>‘The site is located within an Established Residential Area, as defined in Appendix B of the Plan Strategy. Although it is not a ‘residential neighbourhood’ in the traditional sense, it is bound to the south, east and west by residential uses, with the traditional Sandy Row community consisting of two storey, red brick terraced housing immediately to the south and stretching to the south and west of the site with a clear spatial structure comparable building form, well defined pattern of streets and common design styles, etc.’</i> There is a recognition within Policy HOU12 that although the increasing number of students within the city can contribute to the economy and present opportunities, the rapid expansion of student numbers over the last two decades has also led to negative side effects. These effects can include pressures on housing, local amenities and other environmental impacts. Para. 7.1.78 states that <i>‘student housing provision needs to be well planned and appropriately managed to ensure that there is a more positive integration with any existing communities.’</i></p> <p>8.6 The Plans and Policy unit goes onto acknowledge that although the site itself is separated from more traditional housing to the west by a large apartment development between Glenalpin Street and Charles Street South, <i>‘this is still a significant residential development that helps provide a transition between the smaller scale residential housing to the west and the larger, more commercial scale development fronting onto Great Victoria Street. Across Norwood Street to the East, a second significant apartment development at 97 Great Victoria Street fronts onto the site, ensuring that the predominant residential character spans the site.’</i></p> <p>8.7 The surface level car park to the immediate north, owned by NIHE, could well come forward as housing in the future, meaning that the site would be surrounded by housing on all four sides.</p>
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8.8	<p>Reference is also made to paragraph 7.1.78 of the PS, which emphasises the need for PBMSA development to achieve “positive integrations with any existing communities” and while adherence with design policies will help minimise visual impacts, the presence of balconies overlooking the site in the case of both apartment blocks to the east and west of the site increases the likelihood of noise and disturbance being caused by the presence of such a large student presence within an established residential area.</p> <p><i>b. The development consists of a minimum of 200 occupants. This will not preclude proposals for small incremental extensions or consolidations of existing halls of residence and phased development of larger schemes.</i></p>
8.9	<p>The proposal is for 354 units and so this criterion is satisfied.</p> <p><i>c. The development provides a quality residential environment for students in accordance with the space standards for HMO’s set out in Appendix C.</i></p>
8.10	<p>The proposal complies with the residential space standards provided at Appendix C of the PS and so this criterion is satisfied.</p> <p><i>d. 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.</i></p>
8.11	<p>The application is supported by an Outline Student Management Plan. The plan provides the management strategy to be adopted by the future operator of the development, and identifies the key principles by which the building will be managed. The plan would need to be secured by means of a Section 76 planning agreement were the application to be approved. Nevertheless, this is considered an inappropriate location in principle for purpose built student accommodation.</p> <p><i>e. The development meets an identified need for the type of accommodation proposed, demonstrated through submission of a statement of student housing need.</i></p>
8.12	<p>There are 44,020 higher education full-time students in Northern Ireland (2020/21). Belfast is the 21<sup>st</sup> 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>
8.13	<p><b>QUB</b> 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>
8.14	<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>
8.15	<p>The QUB accommodation website states the following:</p>

	<p><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. 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>
8.16	<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: <i>‘In 2022/2023 we are working in partnership with external providers (LIV Belfast, Student Roost and Novel Student) to provide additional accommodation for first year students.’</i></p>
8.17	<p>On 7th December 2022, representatives from QUB and UU gave a joint presentation to Belfast City Council’s City Growth &amp; Regeneration Committee. The following points were recorded in Belfast City Council’s official minute of the meeting:</p> <ul style="list-style-type: none"> <li>• <i>Student Accommodation in both Purpose built (PBMSA) and private rental sector was currently at capacity and a view of future demand had highlighted the city needed a further 6,000 rooms for students by 2028-30;</i></li> <li>• <i>There was a growing demand for PBMSA over Private rental sector accommodation and insufficient rooms in planning or being built to address this shortfall; and</i></li> <li>• <i>PBMSA opened since 2018 had successfully integrated with local communities and brought business and economic opportunities in the area.</i></li> <li>• <i>QUB’s plans to increase its student accommodation by 40% from 3,400 to approx. 6,000 rooms.... highlighted that Ulster University’s independent review on accommodation demand indicated a need for a minimum of 1,700 beds in Belfast to meet demand for first-year guarantee, with additional beds required to meet increasing demand from returning and international students studying in our new Belfast campus. It was reported that UU currently had 700 beds under nominations agreements with PBMSA adjacent to the Belfast campus, which would increase in 2023-24. UU also provided accommodation for 600 students at Jordanstown Student Village and were currently considering long-term options in the city that increases student accommodation provision adjacent to Belfast campus.</i></li> </ul>
8.18	<p>Based on data compiled by the planning agent in relation the recent planning approvals for PBMSA, circa 7,000 PBMSA bed spaces have been granted planning permission and approximately 5,000 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 the applicant contents that there remains a significant need for PBMSA to meet the shortfall.</p>
8.19	<p>Demand and need for accommodation were the focus of the universities’ presentation to Belfast City Council City Growth &amp; Regeneration Committee in December 2022.</p>
8.20	<p>The applicant understands that PBMSA Supplier, Student Roost, has four buildings in Belfast with 1,634 beds, which are fully let for the 22/23 year, with waiting lists in place. The Swanston House and John Bell House developments are already fully let for the 23/24 academic year. This is on the back of increased demand for accommodation across Belfast from both universities with a backdrop of strong application numbers, acceptances and higher proportion of international students.</p>

8.21	<p>The application has been supported by a detailed Statement of Student Need. The purpose of the statement is to demonstrate the increasing need for student accommodation within the city centre, with reference to relevant Corporate Plans published by Belfast's further and higher education institutions. The statement identifies that even though 7,000 student rooms have been developed between 2015 and 2021, there continues to be a strong need for PBMSA in Belfast with an estimated need for 6,000 additional rooms for students by 2028-2030.</p>
8.22	<p>To further demonstrate the need for a PBMSA scheme, the applicant has undertaken an assessment of the current take up of student accommodation in the city ahead of the new academic year which is due to start in the coming weeks. This has found that there are a small number of rooms still available and they are likely to be full before the academic year starts.</p>
8.23	<p>The proposal will contribute to helping achieve this target of 6,000 additional rooms through the provision of 354 additional units. This criterion is satisfied.</p>
8.24	<p>The proposal has also been assessed against the Council's document '<i>Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note</i>'. 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, with some overlap with Policy HOU12 discussed above:</p> <p><i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i>  <i>B. Policy designations specific to the City Centre;</i>  <i>C. Layout, design and facilities provided within the development are of high standards;</i>  <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>  <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>  <i>F. The development meets and identified need for the type of accommodation proposed.</i></p> <p>Criteria B, C and D are considered below (the other criteria have already been addressed).</p> <p><u>Criterion B</u></p>
8.25	<p>Requires assessment of the proposal in relation to policy designations specific to the city centre. The site is located on un-zoned 'whiteland' within the city centre and outside any conservation area or area of townscape character.</p>
8.26	<p><u>Criterion C</u></p> <p>As discussed in greater detail below, the design of the building is considered in keeping with the existing built form in the immediate area in terms of overall massing, form and finishes, taking a cue in terms of heights and overall massing from the modern apartments blocks to either side and stepping down to the more domestic scale of the residential properties to the south. In terms of the specified space standards, the smallest units have a floor area of 15sqm with the larger rooms having an area of 18sqm, both above the 9 square metres standard for 1-2 person rooms. A small number of larger units (20 in total), and wheelchair accessible, have an area of approximately 24sqm.</p>
8.27	<p><u>Criterion D</u></p> <p>The impact on amenity will be discussed in detail below under 'Impact on amenity'.</p>

**Scale, Massing and Design**

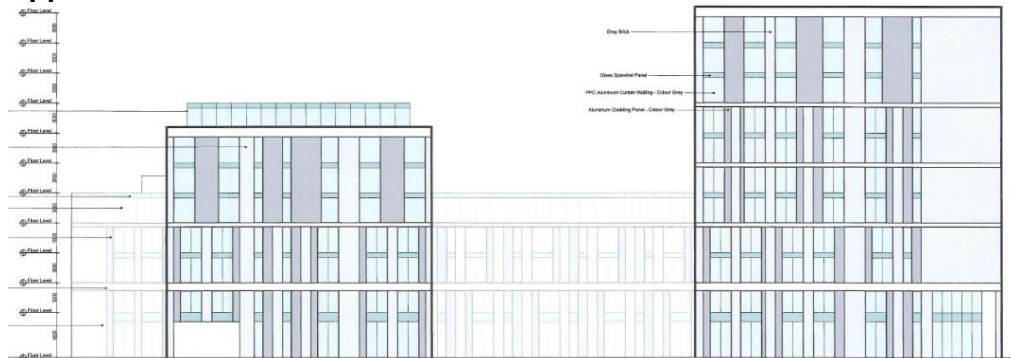
8.28 The proposal has been assessed against the SPPS and Policies HOU12, RD1, DES2 and DES3 of the PS. Regard is had to the extant outline planning permission for a similar scale residential development.

8.29 In terms of built character, the area displays a variety of forms between the two storey domestic scale of the terraced dwellings off Sandy Row to the south and the high rise apartment and mixed use schemes to either side of the site. The site is sandwiched between a 12-storey building to the west and a 9 storey building to the east. The proposed building steps down from north to south with the highest element to front sitting somewhere between the highest part of Victoria Place building to the west and the highest part of 97 Great Victoria Street to the east. The built form steps down to the more domestic scales evident in the housing to the south. As such it fulfils the requirements of Policy DES3 (a) in that it is of a scale that is sensitive to the context of its surroundings and proportionate to its location.

8.30 These heights were influential in terms of justifying the overall scale and massing of the approved outline permission for a residential development on the site. Indeed, a building of almost identical scale was approved as part of this outline planning permission for circa 200 residential units. Conceptual elevations formed part of this approval which set height parameters of the block, stepping down from north to south.

8.31 For comparison the approved and proposed long elevations are set out below:

**Approved Elevation**



**Proposed Elevation**



8.32 The proposed building would have a maximum height of approximately 35.5m (11 storeys), 38m including rooftop plant, facing onto Wellwood Street. This drops to 17m (5 storeys), before rising and dropping again to 25m (8 storeys) and 17m to the rear of the site backing onto the dwellings in St. Georges Gardens.

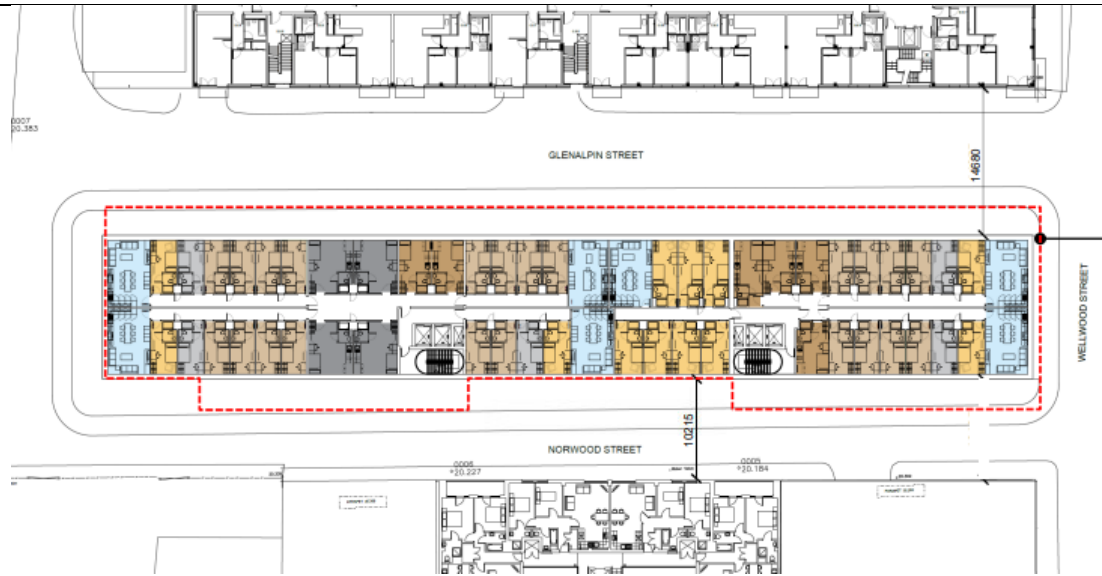
8.33	It is apparent from the elevations above that the scale and massing of the proposal is consistent with the conceptual elevations approved under the outline permission, albeit for residential development as opposed to PBMSA. A condition was attached to the outline approval requiring that the shoulder heights should not exceed those shown on the indicative plans. These conceptual shoulder heights have been respected in the current proposal.
8.34	Whilst several small steps in form have effectively been squared off and the height of the central five storey section raised slightly to accommodate an enclosure around a rooftop recreational space, these changes are considered relatively minor. It is also noted that the building is narrower in planform than previously approved (by around 6.0m) due to a 3.0m deep paving/planting buffer around the full extent of the eastern, western and southern elevations.
8.35	As the building height exceeds 35m it is considered a 'tall building' for the purposes of Policy DES 3. However as set out above, the general scale, height and massing of the current proposal aligns with that of the previous outline approval as illustrated in the comparative elevations above and is considered justified.
8.36	The Senior Urban Design Officer has acknowledged that the proposal is considered on balance to be <i>'in keeping with the scale of its immediate surroundings'</i> .
8.37	In terms of architectural treatment, the fenestration is vertically emphasised, with an appropriate solid to void ratio for a building of its scale and represents a contemporary style in keeping with many of the recently built student blocks within the city centre.
8.38	Regarding materials, the proposed palette, which is predominantly brick, is considered contextually appropriate.
	<b>Climate change</b>
8.39	The proposal has been assessed against Policy ENV2 and ENV3. Policy ENV2 seeks to incorporate measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.
8.40	The Plan Strategy Statement (PPS) submitted in support of the proposal includes a short section entitled 'climate change'. It states that sustainability is at the forefront of developing the detailed design of the proposal. It states that sustainable measures include a 'fabric first' approach - prioritising energy efficiency of the building envelope in relation to materials used; BREEAM excellent is being targeted; windows proportioned to optimise daylight; and PV panels on the roof level. Air source heat pumps are also shown at roof level. Sustainable active travel options are also proposed for the development through introduction of cycle racks/storage and it notes that the site is well served by all forms of public and active transport options. These measures could be secured by condition were the application to be approved.
8.41	The proposal has been assessed against Policy ENV3. This policy states that developments should incorporate measures to adapt to environmental change. These primarily relate to the resilience of the development to cope with current and future climate.
8.42	The PSS notes that PV panels will provide renewable energy and reduce dependence on other energy supplies and that the orientation of rooms will minimise solar impact and overheating with introduction of high performance solar controlled curtain walling. The PSS also states that landscaping and amenity space are provided and the plans indicate some street level landscaping and a hard and soft landscaped communal area on the fifth

	<p>floor. Hard landscaped strips are proposed around the perimeter of the building and the fifth floor area includes paving, raised planters and artificial grass. These measures could be secured by condition were the application to be approved.</p>
8.43	<p>The proposal has been assessed against Policy ENV5, which requires incorporate of SuDS. The PSS states that a Drainage Assessment has been undertaken to support the application. This indicates the use of hard SuDS to attenuate surface water, primarily through over-sized pipes and a hydro-brake system to limit discharge rate to approximately greenfield flow. No significant soft SuDS measures are proposed and this is justified by the applicant by reference to 'the constrained urban location' and 'limited space on the site'. However, appropriate SuDS measures can be secured by condition were the application to be approved.</p>
8.44	<p><b>Open Space Provision</b></p> <p>The proposal has been assessed against Policies OS3 and RD1 (d) and regional guidance, 'Creating Places'. The external courtyard at fifth floor level provides an amenity space of approximately 400 sqm. Other external amenity areas include an enclosed communal strip of open space at ground floor level totalling approximately 600 sqm and ground floor break out area with an area of approximately 200sqm. The total amount of internal and external amenity space equates to approximately 1,200 sqm. It should be noted that the ground floor gym has not been included in these calculations.</p>
8.45	<p>Cumulatively the internal and external open space/ amenity areas provide approximately 3.3 sqm of amenity space per unit. This is well below the 10sqm per unit requirement in 'Creating Places', however, given the nature of the proposal, the site's inner city context and a total of 40 communal areas (each with an area of 30 sqm) on each floor, on balance, this level of provision is considered acceptable.</p>
8.46	<p><b>Impact on Built Heritage</b></p> <p>DfC Historic Environment Division (HED) has advised that the proposal has the potential to impact upon the setting of a number of listed buildings. These include:</p> <ul style="list-style-type: none"> <li>a. Presbyterian Church, Great Victoria Street Grade B2</li> <li>b. Shaftsbury Square Hospital, Great Victoria Street Grade B1</li> </ul>
8.47	<p>However, HED has considered the impacts of the proposal on the setting of these Listed Buildings and is content that the proposal is compliant with the SPPS and Policies BH1 and DES3 (b) of the Plan Strategy. It is considered that these policies are satisfied.</p>
8.48	<p><b>Traffic and Parking</b></p> <p>The proposal does not include car parking. DfI Roads considers PBMSA proposals to be residential. As the development proposal is within an area of Parking Restraint, a parking reduction is applicable. However, DfI Roads has stated that consideration should be given to accommodating dedicated disabled car users in the form of in-curtilage parking.</p>
8.49	<p>DfI Roads acknowledges the proposal for two disabled spaces in a layby on Norwood Street. It has not identified a need for on-street parking at this location and so would be disinclined to adopt this part of the carriageway. However, DfI Roads does recognise that in the absence of disabled parking road markings in the layby, commuter parking will not be deterred and consideration should be given to marking this area as a 'loading only'. It should be noted that the layby will be subject to public consultation and legislative requirements.</p>



8.50	Notwithstanding, DfI Roads goes on to advise that the offer of two disabled layby spaces does not meet the parking requirements within the Council's own policies as well its legal duty to have due regard to the need to promote equality of opportunity.
8.51	However, there is no specific quantum of disabled parking required by Policy TRAN8 or associated guidance, simply 'a proportion of the spaces to be provided. In this case, there are no car parking spaces provided. The applicant's proposal for two disabled lay-by spaces is on balance considered acceptable.
8.52	The site is a sustainable and accessible location with level access provided to the building, and close to the Europa Bus, Transport Hub and City Centre core.
8.53	The proposal also includes 128 No. cycle spaces, located within an internal storage area at ground floor level.
8.54	In order to capitalise on the city centre location of the application site, the Travel Plan that accompanies the application includes a number of measures to encourage the use of non-car modes of travel. A Travel Plan Co-ordinator would be appointed by senior management to oversee the implementation and operation of the Travel Plan and would be responsible for the promotion of cycling, walking and public transport amongst residents, staff, and visitors. The Travel Plan would be secured by condition were the application to be approved.
8.55	The principle of a "zero parking" scheme is essentially accepted, and other PBMSA proposals have been approved with zero parking in the city centre.
8.56	No objections are raised in terms of highway safety. The proposal is on balance considered acceptable and in line with the SPPS and relevant PS policies.
	<b>Health impact</b>
8.57	The proposal has been assessed against Policy HC1 this policy requires that a Health Impact Assessment (HIA) is undertaken for all new major development. It seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The PSS does not include a discrete HIA, but rather relies on responses to a number of other policy matters.
8.58	The PSS states that overall, the development will result in a quality and sustainable residential environment in a highly sustainable location that regenerates an underutilised site. It states that the provision of student accommodation at this location addresses an identified need and will contribute significantly to the vibrancy of this part of the City Centre making it a positive place to live and enjoy.
8.59	The proposal is in a sustainable location and would encourage walking and cycling. Communal areas and amenity space would be provided to promote positive mental health. The proposal is considered compliant with Policy HC1.
	<b>Impact on amenity</b>
8.60	The proposal has been assessed against the SPPS (paras 4.11 and 4.12) and Policies RD1, DES 1, DES3 and HOU12.
8.61	Policies DES1, DES3, RD1 and HOU12 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.

8.62	<p>With a PBMSA building of this scale set within a tight urban fabric, there will be inevitable impacts upon nearby premises, particularly those immediately adjacent to the site with residential properties located to the south, east and west of the proposal. Having said this, given the high-rise nature of the Victoria Place and 97 Great Victoria Street, with apartments located at lower levels, it would be unreasonable, in what is an inner urban context, to expect no impact to be experienced should a similar scale of building be proposed.</p>
8.63	<p>In relation to the amenity of the apartments at either side, as was the case with the residential scheme given outline permission (LA04/2019/0127/O), the proposal responds to this relationship by dropping from 11 storeys to the front to 5 storeys towards the middle of the site. This 5 storey element sits between an 11 storey height in Victoria Place and the 9 storey residential block in 97 Great Victoria Street. This would significantly reduce the potential overbearing/ overshadowing onto these adjacent units. It would also enable light to flow through to the residential units at either side, particularly in the morning and the evenings.</p>
8.64	<p>The built form then steps up to 8 storeys. There is no residential development to the immediate east of this block on Norwood Street. To the western side this block sits a 6-8 storey element of Victoria Place, approximately 15m away. It should be noted that this part of the proposal is of a similar scale and massing as the part of Victoria Place which sits opposite. Arguably 17-18 external balconies on the adjacent development would be affected by this part of the proposal. Having said this a separation distance of 15m should ensure that although some overlooking will be inevitable, the overbearing/dominance should not be such as to create an unduly significant hemmed in feeling within the apartments in Victoria Place, given what is a high density tight urban grain.</p>
8.65	<p>The massing of the proposal then drops again to 5 storeys to the south, in order to address the reduction in scale onto the four terraced dwellings in St. Georges Gardens. These dwellings are located approximately 20m from the rear of the proposed building, with a separation distance of approximately 14m to the boundary of these properties. There is no doubt that a building of this scale would impact upon the amenity of the dwellings, however in what is a high density inner urban context a separation distance of approximately 20m should ensure there is no significant loss of light or overbearing experienced to the rear of the dwellings. In terms of overlooking onto these properties, floor plans show two communal rooms on each of the floors on the southern (rear) elevation. The transient nature in which these rooms are likely to be used will minimise the potential for overlooking and given the generous separation distance on balance this is not considered to be a significant amenity issue.</p>
8.66	<p>The plan overleaf shows the separation distances to the closest neighbouring residential units. It is also worth noting the increased separation distances when compared to the residential block given outline planning permission in 2019 particularly onto Victoria Place. This is due to the building having a narrower footprint as that approved (shown as a red dashed line in the plan below).</p>
8.67	<p>In terms of overall dominance and loss of light the Daylight and Sunlight Impact on neighbouring properties report concludes that impacts to neighbouring properties are reduced when comparing the approval to this proposal and the proposed development is considered to be within the intention and flexible application of the BRE Guidelines and considered acceptable from a daylight and sunlight perspective.</p>



- Amenity of Prospective Residents**
- 8.68 The daylight and sunlight 'Internal daylight, sunlight and overshadowing report' concluded that 176 (50%) of the 354 student rooms met or exceeded BRE recommendation for bedsits. An additional 41 rooms (11.5%) achieved the recommendation of 100 lux for bedrooms which the report considered was an acceptable level of light within this urban context. The remaining 137 rooms (38.5%) that would see lower levels of light were for the most part located on lower floors which were subject to higher levels of obstruction from surrounding buildings. Out of the 44 communal living areas, 36 (82%) exceeded BRE's target of 200 lux with the remaining eight areas again being located on those lower floors which were subject to higher levels of obstruction from surrounding buildings. The report concluded that on balance the proposal will provide acceptable levels of daylight and sunlight to the majority of future occupants.
- Management**
- 8.69 The application is supported by an Outline Student Management Plan. The plan provides the management strategy to be adopted by the future operator of the development, and identifies the key principles by which the building will be managed. The Plan outlines aspects of Student Management including tenancy agreements, secure access (fob controlled), CCTV, monitoring and reporting of noise incidents and time restrictions on use of outdoor amenity areas (8am-11pm).
- 8.70 The plan would need to be secured by means of a Section 76 planning agreement were the application to be approved. A draft Section 76 agreement has been submitted and includes an obligation that a final management plan must be agreed prior to occupation.
- Contamination**
- 8.71 A Preliminary Risk Assessment (PRA) has been provided by RSK Ireland Ltd in support of this planning application. The PRA summarises the site history and environmental site situation including investigations and risk assessment undertaken in 2014 by RSK. The site has not had any alternatives usage since 2014 and remains a ground level car park.
- 8.72 No unacceptable risks to environmental receptors have been identified for the development. NIEA Regulation Unit and Groundwater Team and Environmental Health Service have offered no objections.

	<p><b>Air Quality</b></p> <p>Operational Phase</p>
8.73	<p>A qualitative assessment of operational phase road vehicle exhaust emissions has been undertaken by comparing the development against the screening criteria outlined in Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning for Air Quality (January 2017) guidance. Irwin Carr consultants have advised that the development-led traffic is not to generate a significant change in flows on local roads with relevant receptors. Furthermore, Irwin Carr have advised that background pollutant concentrations surrounding the Proposed Development and locality are well below the respective air quality objectives.</p>
8.74	<p>The proposal would be a zero-parking scheme and there would be no vehicle access to the site. Accordingly, development would lead to a net reduction in vehicle trips at the site when compared with the extant site use (car park).</p>
8.75	<p>Consequently, Environmental Health Service is able to conclude that estimated transport emissions, as a result of the proposed development, are likely to have a negligible impact on nitrogen dioxide and particulate matter concentrations in the local area.</p>
8.76	<p>However, Environmental Health notes that no information concerning heating and hot water provisions (centralised combustion plant) has been provided within the submitted Air Quality Impact Assessment. These elements could be controlled by condition were permission to be granted.</p>
	<p><b>Noise</b></p>
8.77	<p>This Noise Impact Assessment (NIA) includes a daytime and night-time noise monitoring survey carried out on 28th June to 4th July 2019 at 1.5m height at the approximately the location of the proposed apartments front façade. The Noise Impact Assessment highlights that subjectively the noise environment is dominated by traffic noise to the front of the proposed property.</p>
8.78	<p>The noise assessment has determined that the proposed site falls within the Medium to High Risk Category for daytime and night-time, as the internal noise level guidelines during both daytime and night-time, would exceed British Standards. The NIA recommends mitigation measures requiring a high specification of acoustic double glazing as well as a high performing proprietary acoustically attenuated ventilation system to ensure adequate background ventilation to allow windows to be kept shut for noise insulation purposes.</p>
8.79	<p>The NIA predicted noise level at the external amenity area on the 5th Floor to be 54.5dB LAeq during daytime hours. The predicted noise levels are just below the upper limit of 55dB LAeq.</p>
8.80	<p>In section 7.0 of the NIA assessed the impact from the ground floor HWS plant room, HV Sub, Gen, and Laundry to the bedrooms above and recommended that the separating floor and walls between the ground floor and the first floor to be at least 200mm in depth, capable of providing appropriate sound reduction.</p>
8.81	<p>NIA also assessed the impact from the ground floor gym to bedrooms above. The report recommended separating walls and flooring between these rooms and a 200mm concrete floor slab that provides a sound reduction index of 59dB.</p>
8.82	<p>Environmental Health requested that a number of points of clarification was provided in relation to Meteorological data, air source heat pumps, roller shutter doors and overheating concerns within rooms. Further information was submitted to address these</p>

	<p>issues and Environmental Health were subsequently reconsulted. A response remains outstanding. Delegated authority is sought to finalise this position.</p> <p><b>Drainage and Flooding</b></p>
8.83	The proposal has been assessed against the SPPS Policy ENV4.
8.84	Flood Maps (NI) indicates that the development does not lay within the 1 in 100 year climate change fluvial or 1 in 200 year climate change coastal flood plain.
8.85	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 watercourses of which DfI Rivers has no record.
8.86	Flood Maps (NI) indicates that portions of the eastern boundary lay within an area of predicted pluvial flooding.
8.87	DfI Rivers has reviewed the Drainage Assessment by Kevin McShane Ltd., document number 23-001, Rev C dated 15th August 2023 and acknowledges the submitted Schedule 6 consent to discharge, dated 24th July 2023 from DfI Rivers Area Office.
8.88	DfI Rivers, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It offers no objection to the proposal
	<b>Waste Management</b>
8.89	The Waste Management Plan has confirmed that waste for the proposed building will be stored in communal waste storage areas at ground floor level. Bins will be brought out to the designated bin collection area on Wellwood Street.
8.90	It is expected that 21,180 litres of waste will be generated at the site weekly, and space has been allocated within the bin storage area to accommodate this capacity.
8.91	<p>Waste collections for the development are anticipated as follows:</p> <ul style="list-style-type: none"> <li>c. Frequency – Weekly for each type of waste therefore 3-4 collections per week;</li> <li>d. Timing – To be arranged with Belfast City Council. Preferably early morning collection, pre 11am.</li> </ul>
8.92	It is recommended within the Management Plan that waste collection from the development site will occur at the same time as residential developments in the surrounding area. Both mixed refuse and recyclable waste will be collected weekly.
8.93	<p>In accordance with the ‘Purpose-Built Managed Student Accommodation (PBMSA) in Belfast: supplementary guidance on waste storage’ the proposed development is anticipated to generate four main types of waste:</p> <ul style="list-style-type: none"> <li>• General Waste;</li> <li>• Dry Recyclable Waste;</li> <li>• Glass Waste; and</li> <li>• Food Waste</li> </ul>
8.94	Waste management has been incorporated into the development design. Within each residential unit, segregated bins are available. These bins allow residents to separate waste at the source for recycling.

8.95	The proposal includes an enclosed communal bin store, 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.
8.96	The Management Company will delegate waste management duties to a member or members of the maintenance staff. These member/members will be responsible for ensuring all streams of waste bins are individually accessible at the waste store.
8.97	The Management Company will be responsible for the upkeep and cleanliness of the public area.
<b>Waste Water Capacity</b>	
8.98	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. 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.
8.99	However, 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 on the site (approval LA04/2019/0127/O), will not come forward at once.
8.100	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 and the extant permission on the site. 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.
<b>Other Environmental Matters</b>	
8.101	DAERA Water Management Unit is concerned that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW).
8.102	As NIW has advised it is not possible to connect the proposed development to mains sewer then alternative arrangements will be required should approval be forthcoming, and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.
8.103	The Planning Service has also engaged Shared Environmental Services (SES) in relation to the Habitats Regulations. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises that the proposal would unlikely have a significant effect on the integrity of any European site either alone or in combination with other plans or projects.
<b>Developer Contributions/ Section 76 Agreement</b>	
8.104	Were the application to be approved, a Section 76 planning agreement would be necessary to secure the student management plan and Construction Employability and Skills Plan advised by the Economic Development Unit. A draft planning agreement was

	submitted with the application and included an obligation that a management plan is agreed with the Council prior to occupation of the development.
8.105	BCC Place and Economy Team has recommended that the Section 76 includes a clause relating to employability and skills during the construction phase.
8.106	The planning agreement has not been finalised at this time and so the proposal fails to accord with the requirements of Policy HOU12 and the Developer Contribution Framework.
8.107	The application site “red line” of the application extends to the edge of the public footpath. Public realm improvements, required by the Developer Contribution Framework, could be secured by condition were the application to be approved.
	<b>Pre-application Community Consultation</b>
8.108	For applications that fall within the Major development category, the regulations place a statutory duty on applicant to consult the community in advance of submitting the planning application.
8.109	The regulations require that a prospective applicant, prior to submitting a major application 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 was submitted to the Council on 22 <sup>nd</sup> December 2022.
8.110	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.
8.111	A Pre-Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following: <ul style="list-style-type: none"> <li>• A public information event was held on Tuesday 28<sup>th</sup> February 2023 at the Sandy Row Community Centre</li> <li>• Notification of the public exhibition were advertised in the Belfast Telegraph on 21<sup>st</sup> February 2023</li> <li>• The PAN was circulated to a number of Councillors and MLAs on 23<sup>rd</sup> December 2022.</li> <li>• Dedicated website and phone number established.</li> <li>• Leaflets were distributed to approximately 500 properties within 150m of the site</li> <li>• A total of 122 people attended the public event. The website received 367 views. In total 287 individuals actively took part in the exercise.</li> </ul>
8.112	181 people provided feedback at the event, via the website and by post.
8.114	Only 1% of the feedback indicated general support for a PBMSA proposal on the site.
8.115	Concerns were expressed about the need for social housing in the area and impact on residential amenity.
8.116	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.

<b>10.0</b>	<b>Recommendation</b>
10.1	Having regard to the development plan and other material considerations, the proposed development is considered unacceptable as the site is located within an established residential area and as such is contrary to Policy HOU12 of the Plan Strategy. Moreover, at this current time, there is not a completed Section 76 planning agreement in place to secure the management plan and Employability and Skills Plan necessary to make the development acceptable.
10.2	It is therefore recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.
<b>11.0</b>	<b>Draft Refusal Reasons:</b> <ol style="list-style-type: none"> <li>3. The proposal is contrary to Policies RD1 (a) and HOU12 (a) of the Belfast Local Development Plan: Plan Strategy 2035 as the site is located within an Established Residential Area. The proposal would place undue pressures on housing and local amenities. Moreover, the proposal would not be complimentary to surrounding residential uses and would be an incompatible form of development given the introduction of a significant number of students within existing housing.</li> <li>4. A Section 76 planning agreement is not in place at this time to secure the provision of a student management plan and a Construction Employability and Skills Plan, both required to make the proposal acceptable. The proposal is in contravention with Policy HOU12 of the Belfast Local Development Plan: Plan Strategy 2035 and Belfast City Council's Developer Contributions Framework 2020 and is unacceptable.</li> </ol>
13.0	Representations from elected members: Three received (Cllr Poots, Cllr Kelly, Cllr McKeown)

<b>ANNEX</b>	
<b>Date Valid</b>	23 <sup>rd</sup> March 2023
<b>Date First Advertised</b>	14 <sup>th</sup> April 2023
<b>Date Last Advertised</b>	14 <sup>th</sup> April 2023
<b>Date of Last Neighbour Notification</b>	7 <sup>th</sup> August 2023
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No