

## ADDENDUM REPORT

**Application ID:** LA04/2023/3030/F

**Committee Date:** 13<sup>th</sup> August 2024

**Proposal:**

Erection of 201-bed Purpose Built Managed Student Accommodation scheme and retail unit (11-storey).

**Location:**

41-49 Dublin Road and 3-5 Ventry Street, Belfast, BT2 7HD

**Referral Route:** Major development

**Recommendation:** Approval with conditions and Section 76 planning agreement

**Applicant Name and Address:**

FMN Properties Limited  
248 Upper Newtownards Road  
Belfast  
BT4 3EU

**Agent Name and Address:**

O'Toole & Starkey Ltd  
1st Floor  
River House  
48-60 High Street  
Belfast  
BT1 2BE

**Valid date:** 4<sup>th</sup> May 2023

**Target date (30 weeks):** 1<sup>st</sup> November 2023

**Contact Officer:** Ed Baker, Planning Manager (Development Management)

**Background:**

This application was approved by the Planning Committee on 12<sup>th</sup> December 2023. Delegated authority was given to the Director of Planning and Building Control to resolve the final response from DfI Roads, Section 76 Planning Agreement and the wording of conditions.

The final response from DfI Roads was received on 03 May 2024, advising no objection and recommending conditions.

The Section 76 planning agreement was delayed due to a parcel of land within the application site (red line) not being in the applicant's ownership – planning agreements must be agreed by all parties with an estate in the land. This issue has only recently been resolved and the planning agreement now completed. The decision was due to be issued, however, on 25<sup>th</sup> June 2024, a late objection was received by the Council from the new owner of the adjacent ETAP hotel.

The objection is from Andras House Ltd. who purchased the adjacent ETAP Hotel in March 2024. Their concerns are summarised as follows:

1. Inadequate consideration of the adjacent ETAP Hotel in the original Committee report;
2. Overlooking into ETAP Hotel from the proposed building;
3. Overshadowing of the ETAP hotel by the proposed building;
4. The absence of a Tall Buildings Design Statement and consequential impact on the Committee's consideration of the application;
5. Inadequacy of the Noise Impact Assessment; and

6. Concerns about the robustness of the Student Management Plan.

This addendum report provides an assessment of the new objection. It also considers a new planning application submitted in relation to Fanum House to the immediate west on Ventry Street and Great Victoria Street, which seeks permission for a Purpose-Built Managed Student Accommodation (PBMSA) scheme of 594 bedrooms (LA04/2024/0664/F). That application was valid in April 2024 and is a new material consideration not previously before the Committee.

This report should be read in conjunction with the original Committee report, appended.

**Consideration of matters raised in the recent objection:**

*1. Inadequacy of the consideration of the adjacent ETAP Hotel in the Case Officer Report*

Whilst the section of the original report that sets out the description of the surrounding area does not make specific reference to the adjacent hotel, the hotel and impact of the proposed building on it are clearly referenced in the main assessment part of the appended original Committee report. The hotel is also shown in the contextual imagery section of the report as well as included in the officer presentation to the Committee.

Policies HOU12, DES1, DES2 and DES3 are considered in the appended original Committee report at paragraphs 8.3 – 8.29. A response to the further recent specific objection points from the hotel are addressed below.

*2. Overlooking from the proposal into ETAP Hotel*

The objection references the amendments made to the rear elevation of the proposed building to resolve overlooking concerns into Fanum House to the immediate west. These amendments were made due to the living spaces having windows which would potentially prejudice future development of the adjacent site. The only windows which overlook from the proposal into the ETAP hotel are from the internal courtyard and are all from bedrooms. Generally, the separation distance between the windows is 13 metres between the proposed building and hotel (albeit that there would be some oblique overlooking at smaller distances). Given these distances, the high density character of this part of the City Centre and nature of the PBMSA and hotel uses (which are less sensitive than permanent housing), it is considered that the relationship would be satisfactory and that there would be no harmful or unacceptable inter-overlooking.

*3. Overshadowing of the ETAP hotel by the proposal and prejudice of future uses*

The shadow analysis submitted with the application demonstrates that the proposed building would result in overshadowing of the hotel, and greater overshadowing than the existing situation, with the site currently containing lower buildings. Given the City Centre location, it is expected that overshadowing will occur between tall buildings and indeed, the ETAP hotel itself causes a degree of overshadowing on adjacent sites at times. Regard is also had to the benefits of a building of the proposed scale and height, which would be consistent with the evolving street scene and ensure high density and effective use of the land. Again, given the nature and character of the PBMSA and hotel uses, it is not considered that this shadowing would cause demonstrable harm.

In relation to compatibility with future uses on the ETAP hotel site, there are currently no planning permissions for its redevelopment and it is not zoned for alternative uses in relevant Development Plans. It is entirely reasonable for the Council to assess compatibility with its current use, which is found to be acceptable for the reasons set out in the original report and this addendum report.

*4. The absence of a Tall Buildings Design Statement (TBDS) and consequential impact of that on the Committee's consideration of the application*

Policy DES3 applies to proposals for tall buildings, defined as 35 metres above ordinance datum or those which are significantly higher than their surroundings. The associated Tall Buildings Supplementary Planning Guidance requires the submission of a *Tall Buildings Design Statement* (TBDS) that sets out the design rationale for such buildings.

The original Committee report acknowledges the absence of a TBDS. The building has a shoulder height of 34 metres and overall height with plant of 36.75 metres, which means the proposal constitutes a tall building. The application was received just prior to the adoption of the new Plan Strategy and officers were content that the key issues were covered in the Design and Access Statement (DAS). It remains the view that sufficient information has been submitted to permit comprehensive assessment of the scale, height, massing and impact of the proposed building.

*5. Inadequacy of the Noise Impact Assessment*

The final Environmental Health consultation response acknowledges that further information is required regarding noise which could be dealt with by way of a Grampian condition that requires the submission of further information. Whilst the draft conditions in the original report did not specifically mention a final Noise Impact Assessment (NIA) with regards to the impact of plant and machinery on the ETAP Hotel, officers have agreed with Environmental Health that the final NIA will require this detail to ensure all receptors have been considered. Subject to conditions, it is considered that noise impacts from the hotel on the proposed building (and visa versa) can be appropriately dealt with. The additional draft condition is set out below.

*6. Robustness of the Student Management Plan (SMP)*

The objector made a Freedom of Information request to view the draft Section 76 planning agreement ahead of it being agreed and this was declined under Article 12(4)(d) of the Environmental Information Regulations. Officers are content that the draft SMP is satisfactory and officers confirm that the Section 76 Planning Agreement will contain the model clauses for a SMP, including noise control and tenant behaviour as well as measures for controlling hours of use and potential noise disturbance from social space/communal areas.

**New planning application for PBMSA at Fanum House:**

The Council received a planning application for redevelopment of Fanum House with a PBMSA scheme (594 beds) in April 2024 (LA04/2024/0664/F). The application is currently under consideration and is expected to be reported to the Committee later this year. An initial assessment of that planning application is that the proposed PBMSA schemes at Dublin Road / Ventry Street and Fanum House are broadly compatible, although further detailed assessment is required in relation to the Fanum House application. Given that the subject application of this report was submitted in April 2023 (i.e. one year before the adjacent Fanum House application), and the Committee's previous resolution to grant planning permission, it is considered reasonable and appropriate to give primacy to the subject application. Therefore, should any issues of compatibility between the two developments arise following further consideration of the Fanum House application then the latter may need to be modified. It should be noted that officers are currently in discussions with the applicant for the Fanum House application about improving the design of that scheme in other respects.

**Additional/amended draft conditions:**

The following additional or amended conditions are recommended.

- The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

- The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan uploaded to the Planning Portal on 04 May 2023.

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

- The development hereby permitted shall not be occupied or operated unless in accordance with the Travel Plan uploaded to the Planning Portal on 04 May 2023.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking

- No development shall commence unless a final Noise Impact Assessment (NIA) has been submitted to and agreed in writing by the Council. The NIA shall detail:

- a) The specification of and potential noise impact from roof-top and other plant equipment on any nearby sensitive receptors;
- b) All the matters raised in relation to noise within Environmental Health's consultation response to the Planning Service (ref ST/STM/620201 and dated 5th December 2023);
- c) The glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors of the hereby permitted development;
- d) That the proposed sound reduction specification of windows and alternative means of ventilation will achieve the following internal noise levels within proposed student accommodation units:
  - Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
  - Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
  - Not exceed 45 dB L<sub>Amax</sub> more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

All plant equipment and windows must be installed in accordance with the approved details and retained as such at all times.

Reason: To safeguard the amenity of residents.

**Recommendation:**

Having regard to the development plan and other material considerations, the proposal is considered acceptable. The recommendation remains to grant planning permission subject to conditions and a Section 76 planning agreement.

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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Application ID:</b> LA04/2023/3030/F	<b>Committee Meeting Date:</b> 12 <sup>th</sup> December 2023
<b>Proposal:</b> Erection of 201-bed Purpose Built Managed Student Accommodation scheme and retail unit (11-storey) (amended description and plans).	<b>Location:</b> 41-49 Dublin Road and 3-5 Ventry Street, Belfast, BT2 7HD
<b>Referral Route:</b> Major development	
<b>Recommendation:</b>	Approval subject to conditions and S76.
<b>Applicant Name and Address:</b> FMN Properties Limited 248 Upper Newtownards Road Belfast BT4 3EU	<b>Agent Name and Address:</b> O'Toole & Starkey Ltd 1st Floor River House 48-60 High Street Belfast BT1 2BE
<p><b>Executive Summary:</b> This application seeks full planning permission for the erection of a 201-bed Purpose Built Managed Student Accommodation scheme and retail unit at ground floor (11-storey).</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>• Open Space Provision</li> <li>• Impact on Built Heritage</li> <li>• Traffic and Parking</li> <li>• Impact on Amenity</li> <li>• Climate Change</li> <li>• Health Impact</li> <li>• Contamination</li> <li>• Air Quality</li> <li>• Noise</li> <li>• Drainage and Flooding</li> <li>• Wastewater infrastructure</li> <li>• Waste Management</li> <li>• Ecology</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 acceptable as the site is located within the City Centre, in a highly sustainable location and meets an identified need.</p> <p>The proposed scale and massing of the proposed building are considered acceptable. 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.</p> <p>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</p>	

no in-curtilage parking subject to a robust Travel Plan. DfI Roads have indicated that conditions and informatives will be provided - delegated authority is sought to resolve any issues arising from their final response if not received prior to Committee.

Consultation responses are summarised below.

**Statutory consultees:**

DfI Roads – final response outstanding  
NIEA – approval subject to conditions  
DfI Rivers – no objection  
NI Water – 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 – no objection  
BCC Place and Economy Team – no objection  
BCC Tree Officer – no objection  
BCC Landscape Planning and Development team – no objection  
BCC Development Planning and Policy Team – advice provided

The estimated construction cost is £7 million. It is expected that approx. 123 construction related jobs will be created over the duration of the construction of the proposal with the approximate number of new FTE opportunities created during the occupation stage being 23.

2 representations were received and the issues raised are addressed and considered in the main body of the report.

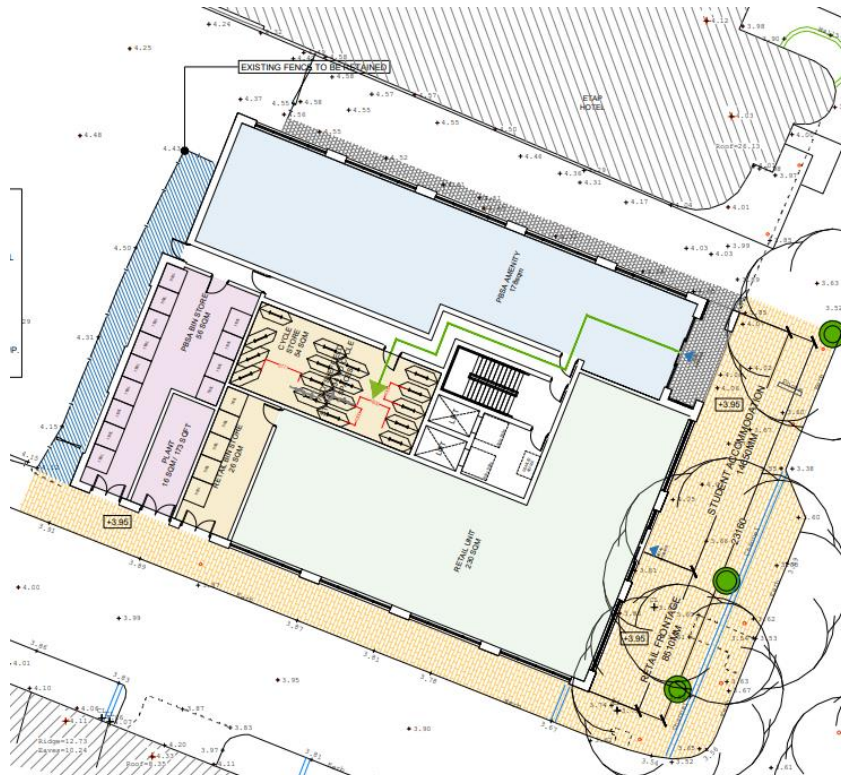
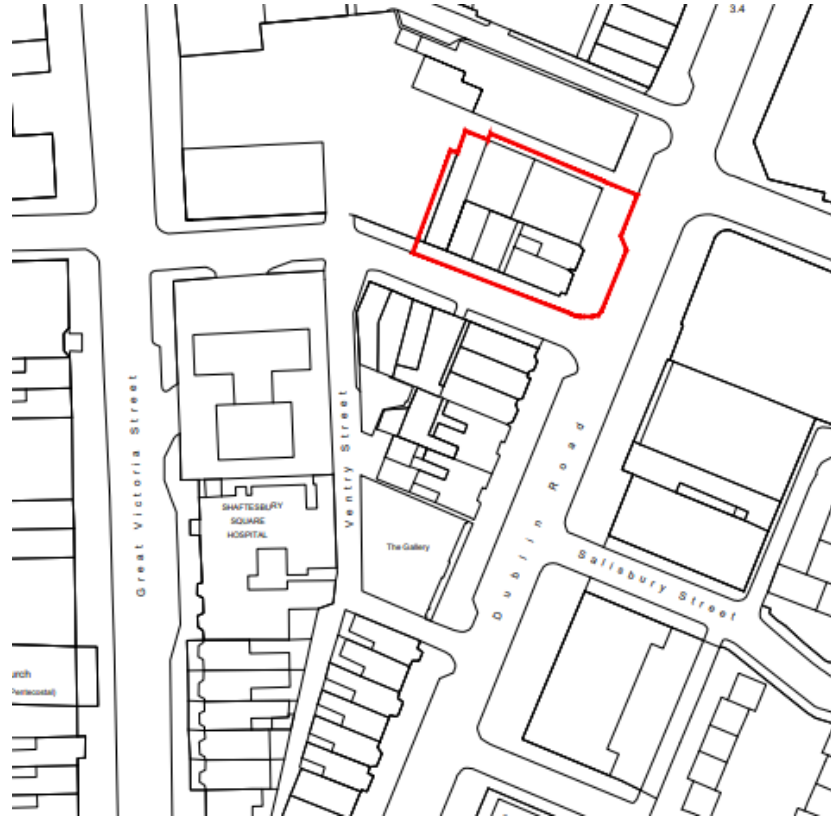
**Recommendation**

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

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

# Case Officer Report

## Site Location Plan and Layout





# Proposed Elevations



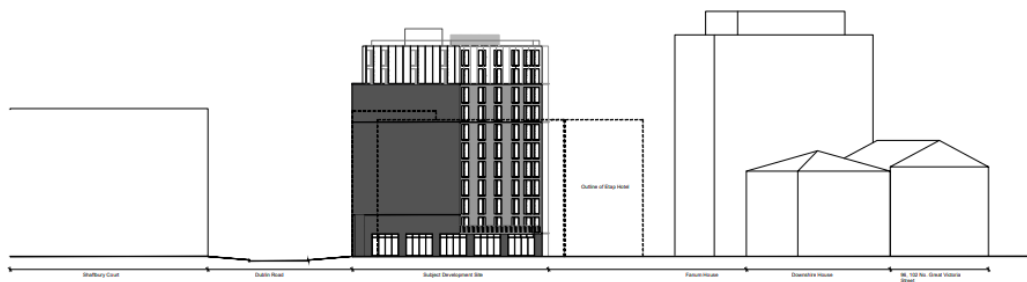
Proposed East Elevation (Dublin Road)



Proposed South Elevation (Ventry Street)



Proposed West Elevation



Proposed North Elevation

CGIs



<p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p>	<p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for the erection of a 201-bed Purpose Built Managed Student Accommodation scheme and retail unit (11-storey). This comprises 155 cluster bedrooms and 46 studios.</p> <p>The proposed building will have an overall height of 36.75m including plant and machinery (11 Storeys) with the main facades containing base, middle and top components.</p> <p>The ground floor retail unit will be accessible to the general public with a dedicated access from Dublin Road</p> <p>Cycle storage for the student accommodation is provided at ground floor level. A communal bin store for the student accommodation is also included at ground floor level with access from Ventry Street.</p> <p>Private communal amenity space for the student accommodation is provided in a 107sqm first floor external courtyard and 369sqm roof garden (476sqm total), which equates to 60% of the site area. There is also internal amenity space provided on the ground floor of approximately 178sqm.</p> <p>No on-site car parking is proposed, given the accessible location of the development. Green travel measures are proposed within the travel plan to encourage the use of alternative modes of public transport to the private car and a parking report has been provided to confirm there are adequate existing parking facilities in the area to accommodate any parking demand created by the proposal including for disabled residents.</p>
<p><b>2.0</b></p> <p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p><b>Description of Site and Area</b></p> <p>The application site occupies the corner of Dublin Road and Ventry Street within Belfast city centre. The site is currently occupied by 2-3 storey public houses (Ventry Social, Liquour XXX and Filthy McNasty's) and a Bookmakers which are finished in a painted render. The buildings have had various alterations and extensions with a mix of pitched, hipped and flat roof types. Outdoor seating and smoking areas are provided along the northern boundary of the site and a courtyard within the northwest of the site.</p> <p>The building heights in the area range from 2 to 12 storeys and are mainly dominated by a mix of commercial units however recent schemes including the 'Gallery' (constructed) and 57-63 Dublin Road (approved) contain residential units.</p> <p>There are two nearby student accommodation schemes which are operational, Botanic Studios at 78-86 Dublin Road (approx. 170m away) and Vita at 27 Bruce Street (approx. 160m away).</p> <p>The area is within the city centre and therefore a sustainable location for development, being located within a 5 min walk to the Great Victoria Street Bus and Rail Station and Botanic Train Station. There is also many on-street and multi-storey carparks in close proximity.</p> <p>The site is within the Dublin Road/Great Victoria Street HMO Development Node (HMO 4/14) as designated in the House in Multiple Occupation Subject Plan for Belfast City Council Area 2015.</p>

<b>3.0</b>	<b>Planning History of the application site/locale</b>
3.1	<p><b>Application site</b>  LA04/2022/2076/PAN - Redevelopment of site to provide public house and purpose-built managed student accommodation. Decided 15<sup>th</sup> November 2022.</p> <p>LA04/2015/0723/F - Two storey extension to rear of public house + change of use of ground floor unit to bar, work to include new shop front. (amended plans). Approved 11<sup>th</sup> October 2016</p> <p>Z/2012/0223/F - Proposed first floor garden room extension to existing external beer garden to rear of premises including provision of galvanised steel staircase. Approved 26<sup>th</sup> June 2012.</p> <p>Z/2010/0372/F - Refurbishment to ground floor of existing Public House and alterations to the existing exterior facade. Approved 11<sup>th</sup> June 2010.</p> <p>Z/2004/1119/F - Change of use from public house to hot food bar carry out facility and new shop front. Approved 29<sup>th</sup> June 2004.</p> <p>Z/2003/2478/F - Change of use from public house to betting shop and new shop front. Approved 25<sup>th</sup> November 2003.</p> <p>Z/2003/2006/F - Upgrading treatment to front elevation facing Dublin Road. Approved 22<sup>nd</sup> September 2003.</p> <p>Z/2002/0854/F - New folding exterior doors to replace existing ground floor fenestration. Approved 14<sup>th</sup> June 2002.</p> <p>Z/2001/2101/1 - Demolition of existing public house &amp; construction of new mixed-use development, incorporating basement level car parking, bookmakers, 1 storey public house &amp; 6 storey office accommodation. (Amended proposal). Approved 9<sup>th</sup> July 2002.</p>
3.2	<p><b>Locale</b>  Z/2013/1518/F – 65-71 Dublin Road - Erection of 9 storey building comprising ground floor cafe with mezzanine level and apartments above with ancillary space including basement, servicing and lobby areas. Approved 20<sup>th</sup> June 2014.</p> <p>LA04/2015/1175/F – Lands at 78-86 Dublin Road - Construction of a purpose-built managed student accommodation (8 storey block) consisting of 156 studio rooms, reception/management suite, common room space, bike and general storage area. Approved 15<sup>th</sup> April 2016.</p> <p>LA04/2018/2602/F - Lands bounded by Little Victoria Street, Bruce Street &amp; Holmes Street - Demolition of existing building at lands bound by Little Victoria Street, Bruce Street &amp; Holmes Street and erection of new 15No. storey purpose-built student accommodation building. Approved 12<sup>th</sup> March 2021.</p> <p>LA04/2019/0991/F - 57-59 &amp; 61-63 Dublin Road - Demolition of existing buildings and erection of 10 storey mixed use development comprising a restaurant on the ground and mezzanine floors and 71 No. apartments. Approved 3<sup>rd</sup> February 2020.</p> <p>LA04/2020/0761/F - 57-59 &amp; 61-63 Dublin Road - Demolition of existing buildings and erection of 10 storey mixed use development comprising a cafe on the ground floor and</p>

	<p>85no. serviced apartments for both short and long term occupancy on the floors above. Approved 3<sup>rd</sup> March 2021.</p> <p>LA04/2023/4373/F – 14 Dublin Road - Erection of 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 463 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation. Under consideration.</p> <p>LA04/2023/4366/F – 14 Dublin Road - Proposed 14 storey (plus basement) purpose-Built Grade A Office premises with retail/restaurant unit at ground floor, including external landscaped terrace areas, public realm works, and all associated site works. Under consideration.</p>
<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>• SD3 City Centre</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>• RET1 Establishing a Centre Hierarchy</li> <li>• TRAN 1 Active Travel</li> <li>• TRAN 2 Creating an Accessible Environment</li> <li>• TRAN 4 Travel Plan</li> </ul>

<p>4.5</p> <p>4.6</p> <p>4.7</p> <p>4.8</p>	<ul style="list-style-type: none"> <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>• Policy ENV4 – Flood Risk</li> <li>• ENV5 Sustainable Drainage System</li> <li>• HC1 Promoting Healthy Communities</li> <li>• OS3 Ancillary Open Space</li> </ul> <p><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 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> <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 un-zoned whiteland within the City Centre and Shaftsbury Square Character Area (CC013).</p> <p><u>Regional planning policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Creating Places</p> <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>
<p><b>5.0</b></p>	<p><b>Statutory Consultees</b> DFI Roads – outstanding NIEA – approval subject to conditions DFI Rivers – no objection NI Water – no objection Shared Environmental Services – no objection</p>
<p><b>6.0</b></p>	<p><b>Non-Statutory Consultees</b> Senior Urban Design Officer (SUDO) – no objection BCC City Regeneration and Development team – no objection BCC Environmental Health – no objection BCC Place and Economy Team – no objection BCC Tree Officer – no objection BCC Landscape Planning and Development team – no objection BCC Development Planning and Policy Team – advice provided</p>

<p><b>7.0</b></p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><b>Representations</b></p> <p>2 no representations were made by an adjacent landowner, one of these via a planning agent.</p> <p>The sole issue raised was the fenestration to the rear of the site adjacent to Fanum House in terms of prejudicing future development.</p> <p>In response to these representations, the applicant amended the scheme to remove this fenestration.</p>
<p><b>8.0</b></p> <p>8.1</p> <p>8.2</p> <p>8.3</p> <p>8.4</p> <p>8.5</p>	<p><b>ASSESSMENT</b></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>• Open Space Provision</li> <li>• Impact on Built Heritage</li> <li>• Traffic and Parking</li> <li>• Impact on Amenity</li> <li>• Climate Change</li> <li>• Health Impact</li> <li>• Contamination</li> <li>• Air Quality</li> <li>• Noise</li> <li>• Drainage and Flooding</li> <li>• Wastewater infrastructure</li> <li>• Waste Management</li> <li>• Ecology</li> <li>• Developer Contributions/Section 76 Agreement</li> <li>• Pre-application Community Consultation</li> </ul> <p><b>8.2 Principle of Development</b> Policy RET1 encourages a centre first approach for retail. The proposed retail unit satisfies Policy RET1.</p> <p>8.3 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>8.4 <i>(a) The proposal is easily accessible to higher education Institution campuses by sustainable transport modes and is not within an established residential area</i> The site is conveniently located close to active travel infrastructure and public transport network. The campuses of Queen’s and Ulster Universities are approximately 15 and 20 minutes walking distance of the site respectively.</p> <p>8.5 The locale is not considered to be an established residential area as the Dublin Road is characterised by many non-residential uses such as pubs, a hotel, shops and restaurants. The site also sits within a HMO Development Node under the HMO Development Plan 2015.</p>

8.6	<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> <p>The proposal is for 201 units and so this criterion is satisfied.</p>
8.7	<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> <p>The proposal complies with the residential space standards provided at Appendix C of the PS. The minimum space standard is 6.5sqm and all units in the proposed scheme are a minimum of 10.5sqm and so this criterion is satisfied.</p>
8.8	<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> <p>The application is supported by an 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 will need to be secured by means of a Section 76 planning agreement to which the applicant has agreed and on this basis, this criterion is satisfied.</p>
8.9	<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> <p>The Student Need Statement in support of the application states that there has been an established shortage of student accommodation in recent years. Belfast contains 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. Both the Queens University's Strategic Plan 2030 and University of Ulster Strategy confirm the Universities' objectives which include aspirations for further growth, both locally and internationally.</p>
8.10	<p>On 7th December 2022, representatives from QUB and UU gave a joint presentation to Belfast City Council's City Growth &amp; Regeneration Committee which included details on the supply and demand for student accommodation in Belfast. 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>



8.11	Based on data compiled by the planning agent, due to the shortage of available accommodation, Queen's University is having to take unusual steps such as refusing accommodation to students who live within 40 miles of the campus, offering financial incentives to students to not take up university accommodation and offering accommodation in a nearby hotel rather than halls.
8.12	The application has been supported by a 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 argues that the current provision is not sufficient to meet current need. The Plans and Policy Team reviewed the statement and identified some deficiencies which were then addressed in a Supplementary Statement of Student Need. The supplementary statement highlights a recent press release (September 2023) from Queen's University Belfast which cites a 5% increase in applications for student accommodation in the last year and highlights that it is ' <i>estimated that 3,000 more rooms will be needed in Belfast within the next five years for Queen's University students alone in line with an increased demand from students opting to live in high quality student accommodation</i> '. It also includes a copy of the Student Accommodation Brief for Queen's University which was put out to tender in July 2023. The brief invites expressions of interest 'from interested developers, owners and operators to put forward proposals that are capable of meeting Queen's requirements to provide up to 1,500 beds based on a number of fully developed, turnkey sites by 2026-2028'. Proof of funding was also provided. The Council considers that there is an identified need for student accommodation and there is no evidence which would demonstrate that the provision of student beds in the city is at saturation point.
8.13	The proposal has also been assessed against the Council's guidance document ' <i>Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note</i> '. The guidance sets out six criteria which all applications for PBMSA proposals should adhere to:
8.14	<p><i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i></p> <p><i>B. Policy designations specific to the City Centre;</i></p> <p><i>C. Layout, design and facilities provided within the development are of high standards;</i></p> <p><i>D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;</i></p> <p><i>E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and</i></p> <p><i>F. The development meets and identified need for the type of accommodation proposed.</i></p>
8.15	Criteria A, E and F have been considered above under Policy HOU12 above. Criteria B, C and D are considered below.
8.16	<u>Criterion B</u> Requires assessment of the proposal in relation to policy designations specific to the city centre. The site is located on un-zoned 'whitelands' within the city centre and in an area of parking restraint. The proposal does not conflict with these zonings.
8.17	<u>Criterion C</u> 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 buildings and approvals in the locale. Space standards are addressed under Criterion (c) of HOU12 above.

8.18	<p><b>Criterion D</b></p> <p>The proposal has been designed in a manner which will not conflict with adjacent land uses or the future development of adjacent sites.</p>
8.19	<p><b>Scale, Massing and Design</b></p> <p>The proposal has been assessed against the SPPS and Policies HOU12, RD1, DES1, DES2 and DES3 of the PS.</p>
8.20	<p>The proposal relates to the demolition of an existing two-storey and three-storey building and their replacement with an eleven-storey PBMSA. According to the proposed elevations, the building measures 34.0m to parapet level with rooftop elements (glass balustrade, metal louvre screen and rendered wall to plant area), extending a further 2.75m, resulting in an overall height of 36.75m.'</p>
8.21	<p>The Senior Urban Design Officer (SUDO) notes that <i>'while SP5 and DES1 promote good placemaking, high quality design and responding positively to local context through urban form that addresses matters such as scale, height, massing, proportions, rhythm and materials. DES2 is also applicable regarding adopting a holistic approach to site layout that is mindful of adjacencies while DES3 applies in relation to the assessment and siting of tall buildings. Housing/design related policies, RD1 and HOU12 also apply which cover issues such as impact on privacy/amenity of neighbours, space standards, avoiding units that are wholly to the rear of properties, access to natural light and quality residential environment for students'</i>.</p>
8.22	<p>The initial proposal was found to be unacceptable in terms of design and the applicant was given the opportunity to amend the scheme following workshops with officers and the SUDO.</p>
8.23	<p>The SUDO notes that the amended proposal:</p> <ul style="list-style-type: none"> <li>• <i>'Included revisions which has resulted in a more legible tripartite ordering that references cues presented by neighbouring buildings'</i> which includes a lower nine-storey shoulder height that picks up on the horizontal cues presented by The Gallery building and approval at No 67</li> <li>• <i>'A 'redesigned building 'top' comprising of two storeys with appropriate setbacks on three of the four facades</i></li> <li>• <i>A more legible two-storey base</i></li> <li>• <i>The 'inclusion of a modern cornice' which picks up the shoulder height of the Etap Hotel</i></li> <li>• <i>Improved elevational design and articulation of bays</i></li> </ul>
8.24	<p>As the building height exceeds 35m it is considered a 'tall building' for the purposes of Policy DES 3. The proposal was not accompanied by a Tall Building Design Statement however as the proposal is for 36.75m overall with a parapet level of 34m, it is considered that the Design and Access Statement (DAS) is sufficient to allow full consideration of Policy DES3. Similarly a Masterplanning Statement was included within the DAS and due to the relatively small coverage of the site, this was considered acceptable.</p>
8.25	<p>The Dublin Road comprises an eclectic mix of buildings which exhibit a variety in terms of building heights and designs. The heights range from 2-storey on the subject site to taller buildings both built and approved at a similar overall height to the proposal. The Dublin Road contextual elevation provides this context below.</p>



8.26 Following revisions which better articulate the building and its mass, and detailed considerations such as the solid: void ratio and longer views from the Shaftsbury Square end of the Dublin Road, the proposal is considered to fulfil 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.

8.27 In terms of architectural treatment, the design has developed considerably during the planning application. Many options were explored in terms of detailing, fenestration and materiality including colours and tones. The Damien Hirst flagship building in Soho was a key exemplar in the consideration of the design and as such, the final option contains a blue/green coloured brick. The SUDO acknowledges that this is a bold colour combination and while he acknowledges *'that this would be a unique colour tone along this stretch of the Dublin Road, I would agree with statements made in the DAS regarding the wide range of materials along the Dublin Road which includes red brick, stone, curtain walling, concrete, steel and various shades of painted render'*. He notes of the Damien Hirst building that the *'materials palette in this case again while bold in the context of surrounding buildings which predominantly include buff/red brick and white render, results in a beautifully crafted building which in my view successfully contributes to the vibrancy and creative appeal of the Soho area whilst being sensitive to its context. While I am mindful of the expense that this level of craftsmanship and façade detailing must have incurred, perhaps in this case consideration could be given to the inclusion of a glazed brick to key accent areas across the building particularly at base level where the quality of material and its reflective and tactile capabilities would be appreciated from street level'*.

8.28 Bay studies provided reflect similar proportionality across all four floors however the SUDO expresses a preference for either Option 2 or 3. The SUDO states that *'careful consideration will need to be given to the final tone and finish of brick and how elements of the building are to be treated i.e. darker tone to the base when compared to the seven storey mid-section with consideration given to the materiality that will be applied to the upper two storeys. In this regard, should a recommendation for approval be made I would suggest that a condition is included which covers the various elements of the proposed materials palette including tone and texture of brick, horizontal stone banding, PPC aluminium fins (to both mid-section and upper floors), metal screen louvres, curtain walling and render It is recommended that a condition is placed on any approval which requires submission of building materials for approval prior to construction'*. As such, a condition has been included to cover this issue.

8.29 It is considered that criteria (a) to (k) of Policy DES1, criteria (a) to (f) of DES2 and criteria (a) to (h) of Policy DES3 are met.

8.30	<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 proposal includes an external courtyard at first floor level providing an amenity space of approximately 100 sqm and a rooftop garden providing approximately 370 sqm.</p>
8.31	<p>Additionally there is an internal amenity space of 178 sqm which is not required by policy but is welcomed.</p>
8.32	<p>Cumulatively the internal and external open space/ amenity areas provide approximately 3.2 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, on balance, this level of provision is considered acceptable.</p>
8.33	<p>The provision exceeds that required by Policy OS3 which requires a minimum of 10% open space.</p>
8.34	<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>
	<p>a. HB26/29/007 Great Victoria Street Presbyterian Ch, 129 Great Victoria St Grade B2</p>
	<p>b. HB26/30/066 Shaftesbury Square Reformed Presbyterian Ch, 72 Dublin Rd Grade B1</p>
	<p>c. HB26/30/072 Shaftesbury Square Hospital, 116 Great Victoria St, Belfast Grade B1</p>
	<p>d. HB26/30/075 2/6 Bradbury Place, Shaftesbury Square, Belfast Grade B2</p>
8.35	<p>Following assessment, 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 Policy BH1 of the Plan Strategy. Officers also consider this meets the requirements of Policy DES3 (b) of the Plan Strategy.</p>
8.36	<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>
8.37	<p>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.</p>
8.38	<p>Policy TRAN1 states that the needs of walkers and cyclists must be taken into account. The proposal includes 34 bike spaces located within an internal storage area at ground floor level. The site is a sustainable and accessible location with level access provided to the building, and close to the existing Europa Bus/Train station, the Transport Hub currently under construction and City Centre core. The submitted Travel Plan also identifies that there are three Belfast Bikes docks within 250m of the proposal. A 100% subsidy has been offered for all residents for the first three years of operation.</p>

8.39	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. The Travel Plan will be secured by condition whilst any green travel measures will be secured via a Section 76 legal agreement.
8.40	Policy TRAN2 seeks to achieve an accessible environment for all. The proposal contains level accesses, lifts and 10 no wheelchair accessible units. Whilst Policy HOU7 does not apply to PBSA, the Council's PBSA SPG notes the importance of incorporating a high level of accessibility and inclusive design. Building Control requirements are for one unit in 20 to be wheelchair accessible and the applicant amended the floorplans to include a further 3 wheelchair accessible units which totals 5% and meets Building Control requirements. The accessible units are dispersed throughout the floors. This is considered acceptable.
8.41	Following a request by DfI Roads to include incurtilage disabled parking, the applicant provided a Parking Statement which assesses the accessibility of the proposal for disabled persons whom wish to utilise the private car. This includes identifying areas for parking such as on-street, private and council owned carparks and the ability to park on single and double yellow lines for limited periods of time. The statement also identifies specific locations within 100-120m for disabled parking. There are 2 no bus stops within 50m of the site with signalised pedestrian crossings to assist with travelling to and from the bus stops. There are also two dedicated taxi lay-bys on Dublin Road.
8.42	Policy TRAN8 identifies the requirements for car parking and servicing arrangements. The principle of a "zero parking" scheme within the city centre core however is essentially accepted, and other PBMSA proposals have been approved with zero parking in the city centre.
8.43	No objections were raised by DfI Roads in terms of highway safety or progression. Further information was sought in terms of demonstrating the distance between bicycle stands and annotated to state that they are Sheffield Stands. Amended plans were provided which provide the required information for this request. The Council has informed DfI Roads that it does not intend to pursue incurtilage parking for the scheme as discussed above and DfI Roads have verbally indicated that they will provide conditions and informatives without prejudice. The proposal is on balance considered acceptable and in line with the SPPS and relevant PS policies. Delegated authority is sought to resolve a final response from DfI Roads.
8.44	<p><b>Impact on amenity</b></p> <p>The proposal has been assessed against the SPPS (paras 4.11 and 4.12) and Policies RD1, DES 1, DES3 and HOU12. 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. The adjacent building is the Etap hotel. There is a separation distance which varies from 4m to 5m along the ground floor between the hotel and the proposal. There will be a degree of overshadowing to the adjacent Etap hotel rooms however this is a commercial use and stays are likely to be transitory.</p>
8.45	The separation distance to the rear Fanum House will be in excess of 20m. Fanum House is currently disused. Whilst a PAN has been received for the site there is no live planning application at this time. However, the design was amended to remove windows looking directly into Fanum House on the boundary.

8.46	<p><i>Amenity of Prospective Residents</i></p> <p>The majority of the amenity space is located on the roof meaning it is not impacted by shadowing. On balance the proposal will provide acceptable levels of daylight and sunlight to the majority of future occupants.</p>
8.47	<p><i>Management</i></p> <p>The application is supported by a 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 student safety, accessibility, maintenance and cleaning, tenancy agreements, staffing and emergency procedures.</p>
8.48	<p>A draft Section 76 agreement has been submitted and includes an obligation that a final management plan must be agreed prior to occupation once an operator is secured.</p>
8.49	<p><b>Climate change</b></p> <p>The proposal has been assessed against Policies ENV2 and ENV3. Policy ENV2 seeks to incorporate measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.</p>
8.50	<p>The DAS submitted in support of the proposal includes a short section on mitigating environmental change. It states that the <i>'existing 2-storey buildings on the application site could not accommodate the proposed retail unit and/or 200+ students, and they do not have the structural capability to support 9 additional floors added above them. They must be demolished to facilitate the development of the proposal. Reuse is not appropriate or feasible. The majority of the rubble from the buildings will be reused as hardcore on site. The proposal includes green roofs and has been orientated to optimise solar gain. Building Control requirements will also be met in terms of insulation values'</i>. 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.</p>
8.51	<p>The proposal has been assessed against Policy ENV3. This policy states that developments should incorporate measures to adapt to environmental change. It was also assessed against Policy ENV5, which requires incorporate of SuDS. These primarily relate to the resilience of the development to cope with current and future climate. The landscaping and public realm will be conditioned to ensure appropriate SUDS measures are included and flood risk and drainage are considered later in the report.</p>
8.52	<p><b>Health impact</b></p> <p>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 the matter being covered within the DAS.</p>
8.53	<p>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.</p>

8.54	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.
8.55	<p><b><u>Environmental Quality</u></b>  Policy ENV1 requires that proposals do not have unacceptable environmental impacts including drainage, contamination, air quality and noise.</p>
8.56	<p><b>Contamination</b>  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.</p>
8.57	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.
8.58	<p><b>Air Quality</b>  An Air Quality impact Assessment (AQIA) has been provided by Layde Consulting in support of this planning application. 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. A condition is recommended to cover this.</p>
8.59	<p><b>Noise</b>  A Noise Impact Assessment (NIA) has been provided by Layde Consulting in support of this planning application. The Noise Impact Assessment highlights that subjectively the noise environment is dominated by traffic noise to the front and rear of the proposed property.</p>
8.60	Environmental Health have provided negative conditions to ensure that appropriate glazing and ventilation are installed. Furthermore they have recommended a restriction on operating hours for the retail unit and a restriction on deliveries and collections.
8.61	EH also requested a condition requiring a Student Management Plan (SMP). An SMP has in fact been submitted in support of the application and a clause is included within the Section 76 to ensure submission of a final version for agreement and compliance with same.
8.62	<p><b>Drainage and Flooding</b>  The proposal has been assessed against the SPPS and Policy ENV4 of the PS.</p>
8.63	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.
8.64	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.
8.65	DfI Rivers has reviewed the submitted Drainage Assessment which indicates that flood risk to and from the development will be managed using a SuDS. 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 and the proposal therefore meets the requirements of Policy ENV4 of the PS.

8.66	<p><b>WasteWater Infrastructure</b></p> <p>Policy SP1a requires that necessary infrastructure is in place to support new development. A Water Impact Assessment (WIA) was requested by NI Water whom have now stated that 'PDE (DS66398) &amp; WIA (DS71124) confirms the development can be served without detriment to existing customers'. This confirms that the requirements of Policy SP1a is met.</p>
8.67	<p><b>Waste Management</b></p> <p>The Waste Management Plan has confirmed that waste for the proposed building will be stored in communal waste storage areas at ground floor level.</p> <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>
8.68	<p>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.</p>
8.69	<p>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.</p>
8.70	<p>The Management Company will be responsible for the upkeep and cleanliness of the public area.</p>
8.71	<p>Management of the student accommodation will be secured via a Section 76 planning obligation.</p>
8.73	<p><b>Ecology</b></p> <p>NIEA: Natural Environment Division were consulted and had no objection on ecological grounds.</p>
8.74	<p>DAERA Water Management Unit noted the initial objection by NI Water and stated that should NI Water be content, they would have no objection.</p>
8.75	<p>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 is eliminated from further assessment because it could not have any conceivable effect on a European site.</p>
8.76	<p><b>Developer Contributions/ Section 76 Agreement</b></p> <p>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.</p>



8.77	BCC Place and Economy Team notes that the estimated construction cost is £7 million. It is expected that approx. 123 construction related jobs will be created over the duration of the construction of the proposal with the approximate number of new FTE opportunities created during the occupation stage being 23. They have recommended that the Section 76 includes a clause relating to employability and skills during the construction phase.
8.78	The application site of the application extends to the edge of the public footpath and public realm improvements are proposed. This element of the proposed development will be secured by condition.
<b>8.79</b>	<p><b>Pre-application Community Consultation</b></p> <p>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.</p>
8.80	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 (LA04/2022/2076/PAN) was submitted to the Council on 11th November 2022.
8.81	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.
8.82	<p>A Pre-Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>• A public information event was held on 11<sup>th</sup> January 2023 at the Clayton Hotel, Belfast</li> <li>• Notification of the public exhibition were advertised in the Belfast Telegraph on 4<sup>th</sup> January 2023</li> <li>• The PAN was circulated to a number of Councillors and MLAs on 8<sup>th</sup> November 2023 as well as the Inner South Neighbourhood Renewal Partnership, South West Neighbourhood Renewal Partnership and Forward South</li> <li>• The event was well attended and feedback was mostly verbal.</li> </ul>
8.83	<p>Comments included:</p> <ul style="list-style-type: none"> <li>• That ground floor retail would be better than a public house in terms of noise and general disturbance</li> <li>• A food retail unit would be welcomed</li> <li>• Good management should prevent sectarian flags being flown</li> <li>• Welcoming job creation and redevelopment</li> <li>• Red brick would be better than buff</li> <li>• Building lacks character and more variety would be welcome</li> <li>• The proposal will help regenerate Dublin Road</li> </ul>
8.84	<p>As a result of the feedback:</p> <ul style="list-style-type: none"> <li>• The ground floor unit was changed from a public house to a retail unit</li> <li>• Inclusion of a management plan which addresses anti-social behaviour</li> <li>• More variety in built form provided</li> </ul>
8.85	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.

<p><b>9.0</b> 9.1  9.2</p>	<p><b>Recommendation</b></p> <p>Having regard to the development plan and other material considerations, the proposed development is considered acceptable as the site is located within the city centre, in a sustainable location and the development meets relevant policy and guidance. It is recommended that planning permission should be granted subject to conditions and a Section 76 planning agreement.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the response from DfI Roads, finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that arise, provided that they are not substantive.</p>
<p><b>10.0</b></p>	<p><b>Draft Conditions</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li>   <li>2. Following demolition, no construction of the development hereby approved may occur unless the applicant has provided evidence for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed has been submitted to and approved in writing by the Council.  This evidence must include: <ul style="list-style-type: none"> <li>- Site investigations designed and implemented in accordance with British Standards BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites, to include soil sampling and analysis and groundwater quality monitoring data;</li> <li>- Risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a> To identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.</li> </ul> <p>If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks. Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> </li>   <li>3. The development hereby permitted shall not commence unless a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 1 has been submitted to and agreed in writing with the Council. The remediation strategy shall identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).  Reason: Protection of environmental receptors to ensure the site is suitable for use.</li> </ol>

4. The development hereby permitted shall not be occupied unless the remediation measures as described in the approved remediation strategy submitted under Condition 03 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Conditions 3, 4 and 5, no occupation of the development hereby permitted may occur unless a verification report has been submitted to and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. In the event that piling is required, no development or piling work should commence on this site unless a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Reason: Protection of environmental receptors to ensure the site is suitable for use

8. No development shall commence unless a vibration study has been submitted to and agreed in writing with the Council. The vibration study must provide details of the proposed piling technique with an assessment of expected ground vibration levels and ground movement, in accordance with BS 5228-2. Thereafter all construction must be in accordance with the approved details.

Reason: In the interest of amenity and to ensure protection of the NIE networks.

9. There shall be no installation of window units within the hereby permitted development unless the applicant has submitted to and agreed in writing with the Council, a report detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors of the hereby permitted development. The report must be based on a noise impact assessment which demonstrates that the proposed sound reduction specification of windows and alternative means of ventilation will achieve the following internal noise levels within proposed residential units:
- Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
  - Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
  - Not exceed 45 dB LAmax more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

All window installations thereafter must be in accordance with the approved details.

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

10. There shall be no installation of any alternative means of ventilation to be incorporated within the hereby permitted development, unless the applicant has submitted to and agreed in writing with the Council, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The alternative means of ventilation shall be acoustically attenuated and capable of achieving the internal noise levels for habitable rooms outlined in British Standard BS8233:2014 with the windows shut and the alternative means of ventilation operating or in the open position.

All installation of alternative means of ventilation thereafter must be in accordance with the approved details.

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

11. No occupation of the hereby permitted development shall occur unless:
- the window schedule and approved alternative means of ventilation have been installed (in addition to that provided by open windows), in accordance with the approved details from Conditions 09 and 10, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided.
  - a written declaration from the supplier and installation contractor confirming such installation has been submitted to and agreed in writing with the Council
- The approved windows and alternative means of ventilation shall be retained thereafter.

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

12. The ground floor retail unit shall not operate outside the hours of 07:00-23:00hrs each day. This includes any associated commercial deliveries/collections.

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

13. Within the first year of commencement of operation of the development the Applicant must submit to the Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose-built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

Reason: Protection of the amenity of surrounding uses.

14. Within the 12 months of commencement of operation of the development, the Applicant must submit to and agree in writing with the Council, evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose-built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

Reason: Protection of the amenity of surrounding uses.

15. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment shall consider recommendations contained within chapter 5 of the submitted RSK report entitled- FMN Properties Ltd Preliminary Risk Assessment Lands at 41-49 Dublin Road & 3-5 Ventry Street, Belfast 604530 – R1 (00) Dated- the 3rd of February 2023. The Quantitative Risk Assessment shall follow current Environment Agency and CIRIA guidance and British Standards and include:

- A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.

- A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. Risks associated with ground gases shall be assessed under the methodology outlined in BS 8485:2015+A1:2019.

Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

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

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

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

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

17. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards. In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied or operated. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.

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

18. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO<sub>x</sub> emission rate greater than 5mgs-1, the applicant must submit an updated Air Quality Impact Assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives. All construction thereafter must be in accordance with the approved details.

Reason: In the interests of human health.

19. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of:

- the colour/tone and texture of brick,
- horizontal stone banding,
- PPC aluminium fins (to both mid-section and upper floors),
- metal screen louvres,
- curtain walling and render

have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.

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

20. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure adequate means of sewage disposal for prospective residents.

21. All trees and planting within the site and on adjacent streetscape shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed, or become seriously damaged, diseased, or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

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

22. No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a final hard and soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details.

	<p>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.</p> <p>23. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the landscape plan and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development, or soil stripping. Protective fencing must remain in place until all work is completed, and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p> <p>24. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices service runs / cables or fires within the RPA of trees within the site and on the streetscape during the construction period.</p> <p>Reason: To avoid compaction and root severance within the RPA of existing trees to be retained.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	5 <sup>th</sup> April 2023
<b>Date First Advertised</b>	12 <sup>th</sup> May 2023
<b>Date Last Advertised</b>	27 <sup>th</sup> October 2023
<b>Date of Last Neighbour Notification</b>	20 <sup>th</sup> October 2023
<b>Date of EIA Determination</b>	N/A – does not meet threshold
<b>ES Requested</b>	No