

## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2026/0306/F	<b>Date of Committee:</b> Tuesday 16 <sup>th</sup> June 2026
<b>Proposal:</b> Section 54 of the Planning Act (NI) 2011 for non-compliance with planning conditions 15 and 16 of planning permission LA04/2021/0516/F (relating to junction improvements and provision of disabled parking spaces)	<b>Location:</b> 140 Donegall Street, Belfast, BT1 2FJ
<b>Referral Route:</b> Section 54 application to remove conditions from a previously approved Major Application.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> LDS Devco Ltd. Hannaway CA The Gasworks 12 Cormac Place Belfast BT7 2JB	<b>Agent Name and Address:</b> Eilis Turley Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Date Valid:</b> 19 <sup>th</sup> February 2026	
<b>Target Date:</b> 17 <sup>th</sup> September 2026	
<b>Contact Officer:</b> Lisa Walshe, Principal Planning Officer (Development Management)	
<b>Executive Summary:</b> <p>Planning permission was previously granted for the erection of a purpose-built managed student accommodation (PBSA) development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works (LA04/2021/0516/F) on 21<sup>st</sup> April 2023. The application was approved with a Section 76 Planning Agreement securing Employability and Skills interventions during the construction and operational phases, a Management plan, Travel plan, Green Travel Measures fund of £75000, Travel Cards and Belfast Bike Membership. The development is substantially complete and the building is referred to as 'The Biscuit Factory'.</p> <p>The application seeks planning permission for non-compliance with planning conditions 15 and 16 of LA04/2021/0516/F, originally recommended by DFI Roads. These conditions relate to junction improvements and provision of disabled parking spaces.</p> <p>The applicant has advised that a detailed design for the improvement of the Royal Avenue, York Street and Donegall Street junction was submitted (LA04/2024/0238/DC) as required by condition 15 of planning approval LA04/2021/0516/F. As a result of the assessment of that proposal, it was determined by the Council and DFI Roads that the funds allocated towards the localised</p>	

improvements of the junction could be reallocated towards supporting green travel measures such as the provision of a new Beryl bike docking station. The provision of financial contribution of £47,000 for the new bike docking station would be in addition to the Green Travel Fund of £75,000.

The additional developer contribution i.e. the provision of a new Beryl bike dock on Carrick Hill would be delivered through a variation to the existing Section 76 Planning Agreement.

An application to discharge Condition 16 of planning approval LA04/2021/0516/F was received by the Council (LA04/2023/4319/DC) which identified three existing on-street lay-by spaces to be designated to function as accessible parking spaces. DfI Roads raised no objection and the condition was discharged. In the intervening period, DfI Roads have expressed that given that disabled drivers are able to avail of rights under the blue badge scheme which would include provision to park on-street in restricted locations along both Little Donegall Street and Donegall Street and within existing surface level Council car parks on Little Donegall Street in close proximity, directly adjacent to The Biscuit Factory, they do not wish to proceed with the licence process that is required to designate and deliver the parking spaces in accordance with the approved details.

DFI Roads offer no objections to the proposed non-compliance with Condition No.15 of planning application LA04/2021/0516/F provided the installation of the Beryl Bike docking station and contribution to the Green Travel Fund are completed prior to the operation of the proposed development. DFI Roads also offer no objections to the proposed non-compliance with Condition No.16.

The key issue relevant to consideration of the application is:

- Principle of the development
- Impact on traffic and parking.

### **Recommendation**

Having had regard to the development plan, relevant planning policies, and consultation responses it is considered that non-compliance is acceptable subject to modification of the Planning Agreement under Section 77 of the Planning Northern Ireland Act 2015.

Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and the S77 Modification and deal with any other matters which may arise provided these are not substantive.

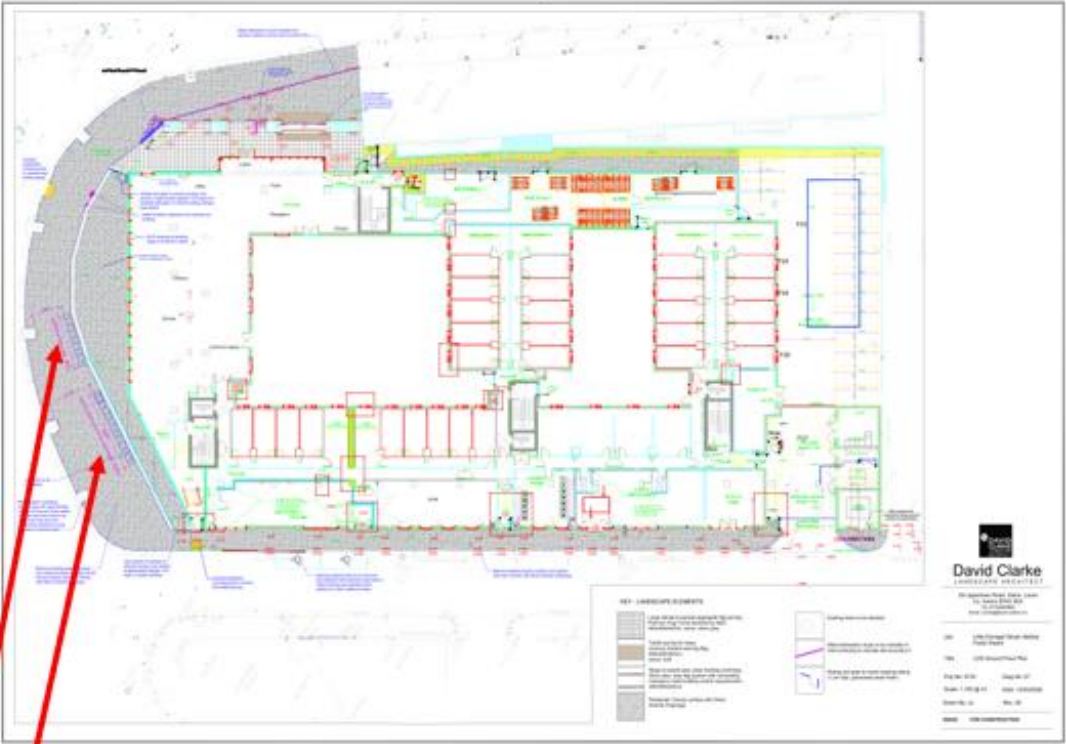
# Case Officer Report

## 1.0 Drawings

### Site Location Plan



### Landscape Plan



Beryl Bike Dock Location

<b>Characteristics of the Site and Area</b>	
<b>2.0</b>	<b>Description of Proposed Development</b>
2.1	The application seeks permission under Section 54 of the Planning Act (NI) 2011 for non-compliance with planning conditions 15 and 16 of planning permission LA04/2021/0516/F (relating to junction improvements and provision of disabled parking spaces)
2.2	<u>Condition 15 of LA04/2021/0516/F states:</u> <i>Prior to the operation of the building hereby approved, a detailed design of junction improvements (in general conformity with Drawing No. 17 (21-002_SK001) at the junction of Royal Avenue, York Street and Donegall Street shall be to be submitted to the Council for approval and completed in accordance with the approved details. The building shall not be occupied until the approved junction improvements have been implemented in full. Reason: In the interests of vehicular and pedestrian safety.</i>
2.3	The applicant submitted a detailed design for the improvement of the Royal Avenue, York Street and Donegall Street junction under application LA04/2024/0238/DC as required by condition 15. During the processing of the application DFI Roads and Planning determined that the funds allocated towards the localised improvements of the junction would be more appropriately used towards supporting green travel measures such as the provision of a new Beryl bike docking station. The applicant seeks to remove this condition.
2.4	The applicant proposes an additional developer contribution for the provision of a new Beryl bike dock on Carrick Hill to offset junction improvements which would be delivered through a variation to the existing Section 76 Planning Agreement. The provision of a financial contribution of £47,000 for a new bike docking station will be in addition to the Green Travel Fund of £75,000 (secured through the existing S76 agreement).
2.5	<u>Condition 16 of LA04/2021/0516/F states:</u> <i>Prior to occupation of the building, a minimum of three disabled parking spaces shall be provided in accordance with details including an access and parking layout which shall have first been submitted to and approved in writing by the Council. The disabled spaces, access and parking layout shall be retained in accordance with the approved details at all times. Reason: To ensure appropriate parking provision for disabled users.</i>
2.6	The applicant seeks to remove this condition.
<b>3.0</b>	<b>Description of Site</b>
3.1	The site measures approximately 0.4 ha in size and comprises a former surface level carpark situated between Donegall Street and Little Donegall Street. The approved PBMSA has been constructed and is substantially complete. Carrick Hill bounds the site to the north and north-west. The site is bounded by Little Donegall Street to the west/southwest. A large four-storey building lies adjacent and north-east of the site along the Donegall Street frontage.
3.2	There is a row of listed buildings opposite and north-east on the opposite side of Donegall Street comprised of several terraced Georgian dwellings, St Patrick's Church, and the Christian Brothers School building.
3.3	The site occupies a mixed-use area with various shops and commercial premises further along Donegall Street to the east of the site. Opposite and north is the Carrick Hill housing area on the other side of a four-lane orbital road. To the west on the opposite side of Little Donegall Street is a four-storey social housing block and to its rear another surface level car park.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>4.0</b>	<b>Planning History</b>
4.1	<p><b>LA04/2021/0516/F</b> – Erection of a Purpose Built Managed Student Accommodation development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. (Amendment to planning approval LA04/2015/0609/F), 140 Donegall Street, Belfast BT1 2FJ. Permission granted 21.04.2023</p> <p><b>LA04/2023/3973/NMC</b> - Non-material change to LA04/2021/0516/F, 140 Donegall Street, Belfast, BT1 2FJ. NMC approved 28.11.2023</p> <p><b>LA04/2020/1602/PAN</b> - Purpose built student accommodation, 140 Donegall Street Belfast, BT1 2FJ. PAN Acceptable 08.09.2020</p> <p><b>LA04/2015/0606/F</b> - Purpose built managed student accommodation comprising 620 no. units with associated amenity and ancillary support accommodation with 54 no. lower ground floor parking spaces, 140 Donegall Street, Belfast, BT1 2GX. Appeal allowed 21.11.2017.</p> <p><b>LA04/2024/0238/DC</b> – Discharge of Condition 15 LA04/2021/0516/F - Junction layout design, 140 Donegall Street, Belfast, BT1 2FJ. Application withdrawn 03.02.26</p> <p><b>LA04/2023/4319/DC</b> - Discharge condition 16 LA04/2021/0516/F - Disabled Parking Provision Plan, 140 Donegall Street, Belfast, BT1 2FJ. Condition discharged 20.12.2023.</p>
<b>5.0</b>	<b>Policy Framework</b>
5.1	<b>Belfast Urban Area Plan 2001</b>
5.2	<p><b>Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014)</b> Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. DBMAP (both v2004 and v2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.</p>
5.3	<p><b>Belfast Local Development Plan, Plan Strategy 2035</b> 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.</p>
5.4	<b>Strategic Planning Policy Statement for Northern Ireland (SPPS)</b>
5.5	<p><b>Operation Policies Policy BH1 Belfast Local Development Plan Draft Plan Strategy</b></p> <p>Policy TRAN 1 – Active travel – walking and cycling Policy TRAN8 – Car Parking and servicing arrangements ENV1 - Environmental Quality ENV2 - Mitigating Environmental Change</p>

6.0	<b>Statutory Consultees Responses</b> DFI Roads – No objection.
6.1	<b>Non-Statutory Consultees Responses</b> None
7.0	<b>Representations</b>
7.1	The application was advertised on 13/03/2026 and 27/03/2026. Neighbour notifications issued on 06.03.2026 and 25.03.26. To date no third party representations have been received.
9.0	<b>Assessment</b>
9.1	<b>Principle of development</b>
9.1.1	The principle of the development of the erection of the purpose built managed student accommodation at this location has already been established through the previous approval LA04/2021/0516/F. Development has commenced on site and the building is substantially complete.
9.2	<b>Impact on traffic and parking</b>
9.2.1	The application seeks planning permission for the no-compliance of conditions 15 and 16 of planning approval LA04/2021/0516/F. Each of the conditions are considered below.
9.2.2	<u>Condition 15</u> <i>Prior to the operation of the building hereby approved, a detailed design of junction improvements (in general conformity with Drawing No. 17 (21-002_SK001) at the junction of Royal Avenue, York Street and Donegall Street shall be to be submitted to the Council for approval and completed in accordance with the approved details. The building shall not be occupied until the approved junction improvements have been implemented in full.  Reason: In the interests of vehicular and pedestrian safety.</i>
9.2.3	DFI Roads who recommended condition 15, offer no objections to the proposed non-compliance with Condition No.15 of planning application LA04/2021/0516/F provided the installation of the Beryl Bike docking station and contribution to the Green Travel Fund (in lieu of the proposed road junction improvement works), as referenced in the letter from Turley dated 30 January 2026, uploaded to the Planning Portal 5 March 2026, are completed prior to the operation of the proposed development.
9.2.4	The applicant in a statement accompanying the application has stated that the <i>‘Belfast bike dock was previously in situ at this location but was not identified as a priority location by BCC in the first phase of new Beryl bike dock installations. The proposed developer contribution will therefore re-instate access to this key form of active travel in this part of the city. The enclosed Landscape Plan (Dwg No. 02) which was previously discharged under Condition 2 (LA04/2023/4006/DC) is for information purposes only and shows the proposed location of the bike dock’.</i>
9.2.5	The applicant is committed to the provision of a Beryl Bike Dock Station for a maximum of 20 bikes at Carrick Hill adjacent to the building. The applicant proposes a ‘Belfast Bike Contribution’ of £47,000 to facilitate the implementation of the new dock station in lieu of junction improvements previously required under condition 15 of planning approval LA04/2021/0516/F. The ‘Belfast Bike Contribution’ would be secured through an amendment to the S76 Planning Agreement approved under application LA04/2021/0516/F. Section 77 of the Planning Act (Northern Ireland) 2015 makes provision for a modification to a planning agreement provided that there is agreement between the planning authority and the person or persons against whom the agreement is

	<p>enforceable and that the agreement continues to serve a useful purpose, and would serve that purpose equally well if it had effect subject to the modifications specified in the application.</p> <p>9.2.6 Officers consider that the proposed bike contribution in lieu of junction improvements would support a modal shift from private car to active travel, helping to reduce carbon emissions, improve air quality and encourage healthier lifestyles. This would contribute to wider sustainable transport objectives and long-term environmental benefits. The proposed amendments are considered in accordance with Policy TRAN 1 [Active travel – walking and cycling] and ENV2 [Mitigating environmental change] of the Plan Strategy.</p> <p>9.2.7 <b>Condition 16</b>  <i>Prior to occupation of the building, a minimum of three disabled parking spaces shall be provided in accordance with details including an access and parking layout which shall have first been submitted to and approved in writing by the Council. The disabled spaces, access and parking layout shall be retained in accordance with the approved details at all times.</i>  <i>Reason: To ensure appropriate parking provision for disabled users.</i></p> <p>9.2.8 DFI Roads who recommended condition 16 offer no objections to the proposed non-compliance with Condition No.16 of planning application LA04/2021/0516/F.</p> <p>9.2.9 Officers consider that retaining spaces potentially indicated for disabled parking for general parking preserves parking capacity for all users while continuing to allow access by disabled users who hold a blue badge in accordance with relevant regulations. Given the availability of existing accessible parking provision and the ability of disabled users to utilise standard parking spaces where appropriate the proposal maintains flexibility in parking management while ensuring accessibility needs continue to be met. The proposed non-compliance of condition 16 is considered in accordance with Policy TRAN 8 [Car parking and servicing arrangements] of the Plan Strategy.</p> <p><b>9.3 Pre-application Community Consultation</b></p> <p>9.3.1 Given that this application is for the non-compliance of conditions to a previously approved major application, the applicant can rely on the pre-application community consultation that was submitted alongside application LA04/2020/1602/PAN.</p>
<p><b>10.0</b></p> <p>10.1</p> <p>10.2</p>	<p><b>Summary of Recommendation:</b></p> <p>Having regard to BCC LDP Plan Strategy and other material considerations, the proposal is considered acceptable and approval of planning permission is recommended without compliance with conditions 15 and 16 of planning approval LA04/2021/0516/F. This will create a standalone permission and as such all conditions from planning approval LA04/2021/0516/F must be replicated on any decision notice, albeit with conditions 15 and 16 removed.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the modification to the S76 Planning Agreement (approved under application LA04/2025/0516/F) to secure an additional 'Bike Station Contribution' of £47,000 to facilitate a new Beryl Bike dock Station at Carrick Hill.</p>

**11.0 Draft Conditions and Informatives**

**Draft Conditions:- Amendments/Reference to details approved under discharge of condition applications in bold.**

1. The development hereby permitted must be begun by 20<sup>th</sup> April 2028.  
Reason: The application seeks to amend the conditions relating to the original planning permission, dated 21<sup>st</sup> April 2023.

2. Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing No. 100-03 have been submitted to and approved in writing by the Planning Authority. The details shall include:

1. Surface materials; and
2. The design and provision of underground ducting.

The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details **under discharge of condition application LA04/2023/4006/DC.**

Reason: In the interests of the character and appearance of the Conservation Area, the setting of the Listed Building, and to enhance connectivity to and from the development.

3. No works shall commence on the approved building until materials samples of the walls, roofs and glazing system have been submitted to and agreed in writing with the Council. The development shall not be carried out unless in accordance with the approved details **under discharge of condition applications LA04/2023/3989/DC & LA04/2023/4533/DC.** Samples shall be retained on site until completion of the works.

Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

4. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination and risk shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted and approved in writing the Council before any works recommence. Development shall not thereafter proceed unless in accordance with the updated remediation strategy.

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

5. No development or piling work shall commence on this site until a piling risk assessment has been submitted to and approved in writing by the Council.

This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in 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" available at:

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

No piling shall take place unless in accordance with the details so approved **under discharge of condition application LA04/2023/3622/DC.**

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

6. After completing any remediation works required under Condition 4 and prior to occupation of the development, a verification report must be submitted to and approved in

writing by the Council. This report should 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 should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

7. Prior to the occupation of any part of the approved development, a Verification Report shall be submitted to and approved in writing by the Council. This Verification Report must demonstrate that the final site layout has building, hardstanding or equivalent across the site in order to ensure that no direct contact, ingestion or inhalation of dust or fibre pathways are present on the developed site. **The development shall be carried out in accordance with the approved details submitted under discharge of condition application LA04/2026/0763/DC.**

Reason: Protection of Human Health.

8. Prior to installation, an Air Quality Impact Assessment for any centralised combustion sources (boilers/CHP, biomass), resulting in a single or combined NOx emission rate of more than 5mg/sec are proposed as part of this development, shall be submitted to and approved in writing by the Council. 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 and must sufficiently demonstrate that there will be no unacceptable ambient air quality impacts on human health receptors. The equipment shall not be installed unless in accordance with the approved details.

Reason: For protection against adverse air quality.

9. Prior to installation, a window schedule detailing the glazing configuration and sound reduction performance of windows to habitable rooms on all facades of the development shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in accordance with recommendations in the Peter Lloyd and Associates Report dated February 2016 for achieving suitable internal noise levels in a habitable room **and with the details approved under discharge of condition application LA04/2024/2045/DC**. The development shall not be carried out unless in accordance with the approved details and shall be retained as such.

Reason: Protection against adverse noise impact.

10. Prior to installation, the specification of alternative means of ventilation to habitable rooms shall be submitted to and approved in writing by the Council. The specification shall be capable of providing at least the equivalent sound reduction of the window. The ventilation shall be installed in accordance with the approved details **under discharge of condition application LA04/2024/2045/DC**.

Reason: Protection against adverse noise impact.

11. The rating level (dBL<sub>A,r,T</sub>) from the operation of all combined plant and equipment shall not exceed the existing representative daytime and night-time background noise level (dBL<sub>A90</sub>) as presented in the Peter Lloyd & Associate acoustic report dated February 2016 at the nearest noise sensitive premises, when measured or determined in respectively accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: Protection against adverse noise impact.

12. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall examine all stages of construction and identify methods to be employed to minimise adverse impact associated with noise, vibration and demonstrating the use of 'best Practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014.

The CEMP should identify nearby sensitive premises likely to be impacted and identify also include arrangements for communicating and liaising with occupants of those premises. The approved Construction Environmental Management Plan shall be implemented throughout the entire construction phase **in accordance with the details approved under discharge of condition application LA04/2023/3735/DC.**

Reason: Protection of the amenity of nearby premises.

13. Access to the external amenity area at ground floor Carrick Hill façade shall not be permitted outside 0700 to 2300 hours.

Reason: Protection of residential amenity.

14. Commercial deliveries to and collections from the hereby approved development shall not be permitted outside of 0700 to 2300 hours.

Reason: Protection of residential amenity.

15. None of the external doors hereby approved will open out onto the public footpath.

Reason: In the interests of pedestrian safety.

16. The appointed contractor must ensure that extant storm drainage in Little Donegal Street is protected from pollutant ingress prior to and for the duration of the construction phase.

Reason: To avoid adverse effects on the integrity of any European site.

17. No development shall commence until a drawing showing the visibility splays and landing area at the main vehicular access (in general conformity with drawing No. 100-03) has been submitted to and approved in writing by the Council. The visibility splays and landing area shall be provided in accordance with the approved details, **under discharge of condition application LA04/2023/3636/DC**, prior to occupation and shall be maintained as such at all times.

Reason: In the interests of vehicular and pedestrian safety.