

## Development Management Officer Report Committee Application

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

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

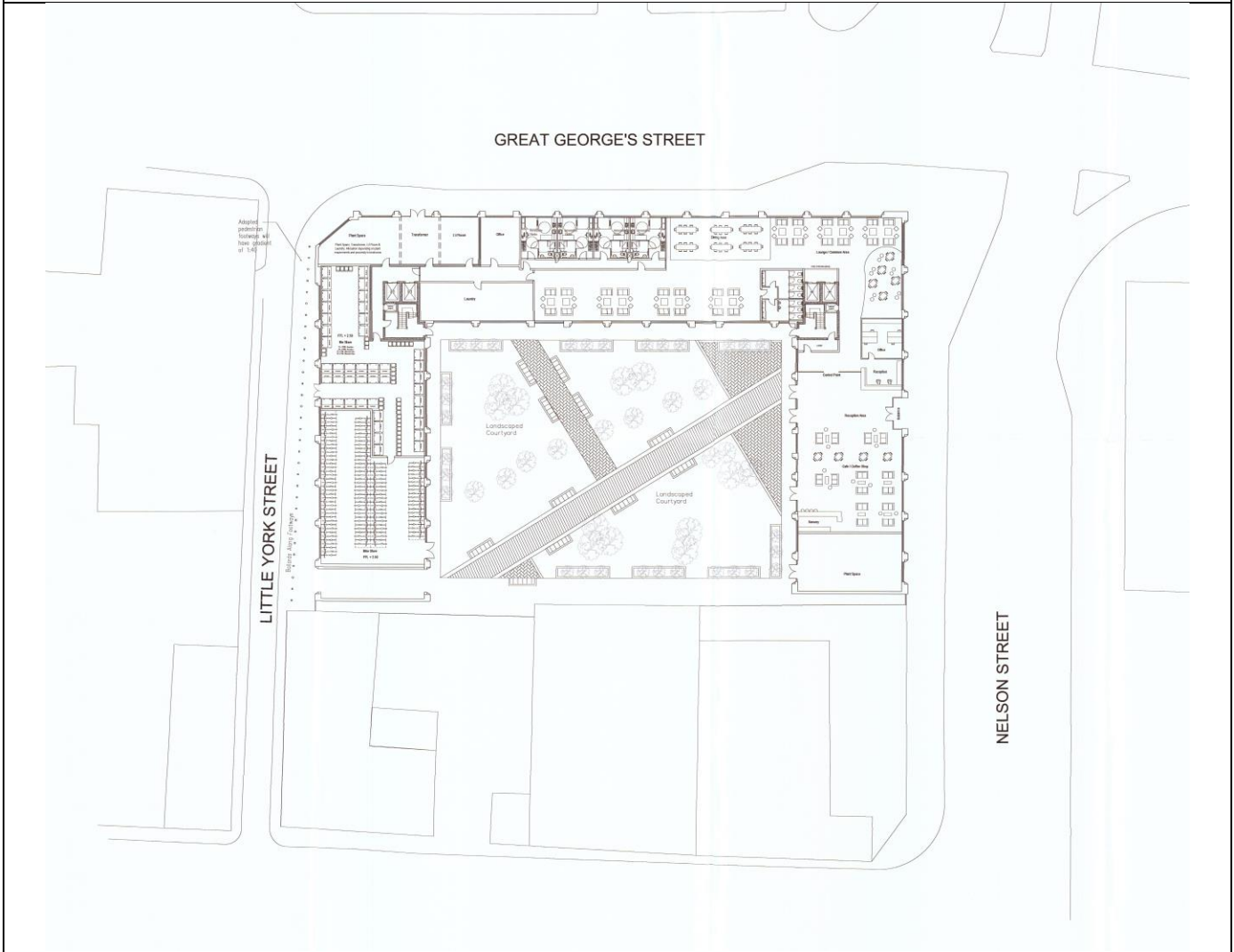
There has been no public objection to the proposal.

**Recommendation**

Approve subject to the condition detailed above.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

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

### Planning Assessment of Policy and other Material Considerations

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

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

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