

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

11th April, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Tuesday, 16th April, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

8. Planning Applications previously considered

- (a) **ITEM WITHDRAWN:** ~~LA04/2023/4208/F - Change of use from Dwelling to HMO (6 Beds). 24 Orient Gardens~~

9. New Planning Applications

- (b) **LA04/2023/4373/F** - Erection of 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 459 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation. 14 Dublin Road (Pages 1 - 28)
- (c) **LA04/2023/3635/RM** - Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works. Lands bound by Glenalpin Street, Wellwood Street and Norwood Street (Pages 29 - 44)

Development Management Report

Summary	
Committee Date: 16 th April 2024	
Application ID: LA04/2023/4373/F	
Proposal: Erection of 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 459 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation	Location: 14 Dublin Road, Belfast, BT2 7HN
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Queens University Belfast Universtiy Road Belfast BT7 1NN	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>This application relates to the southern part of the former cinema site at 14 Dublin Road. Full planning permission is sought for the erection of a 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 459 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation. The applicant is Queens University.</p> <p>The application follows a detailed Pre-Application Discussion (PAD) process.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of PBMSA in this location • Design and placemaking • Impact on heritage assets • Impact on amenity • Climate change • Open space • Access and transport • Health impacts • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Natural heritage • Waste management • Section 76 planning agreement • Pre-Application Community Consultation 	

The site is within the City Centre and is a highly accessible location for new PBMSA development within walking distance of both the Queens University and Ulster University campuses. The application is supported by satisfactory evidence of need for the proposal.

The proposed building is considered to be of a high-quality design appropriate to its location that would regenerate the land which has been cleared and currently occupied by meanwhile uses.

It is considered that the proposal would not have a harmful impact on the amenity of neighbouring residents on Marcus Ward Street by reason of noise, overlooking or loss of sunlight/daylight.

No objections have been received from statutory consultees other than NI Water which is concerned about waste-water capacity. However, it is considered unreasonable to withhold planning permission on those grounds for the reasons specified in the main report. Further advice is awaited from the Council's Waste Management team and delegated authority is sought to resolve any outstanding issues that may arise from its consultation response.

Four objections have been received, which are detailed in the main report.

Recommendation

Having regard to the Development Plan and material considerations, it is recommended that planning permission is 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 wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, including any raised in the further consultation response from the Council's Waste Management team, provided that the issues are not substantive.

DRAWINGS AND IMAGERY

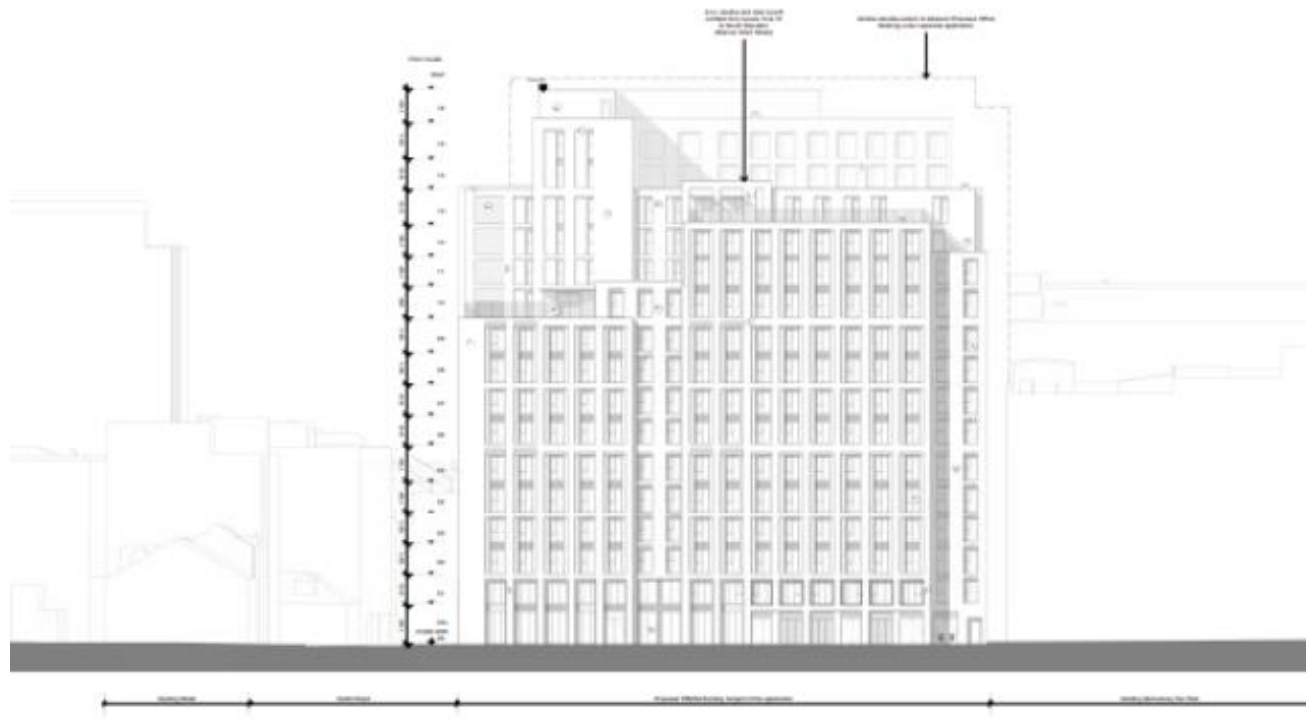
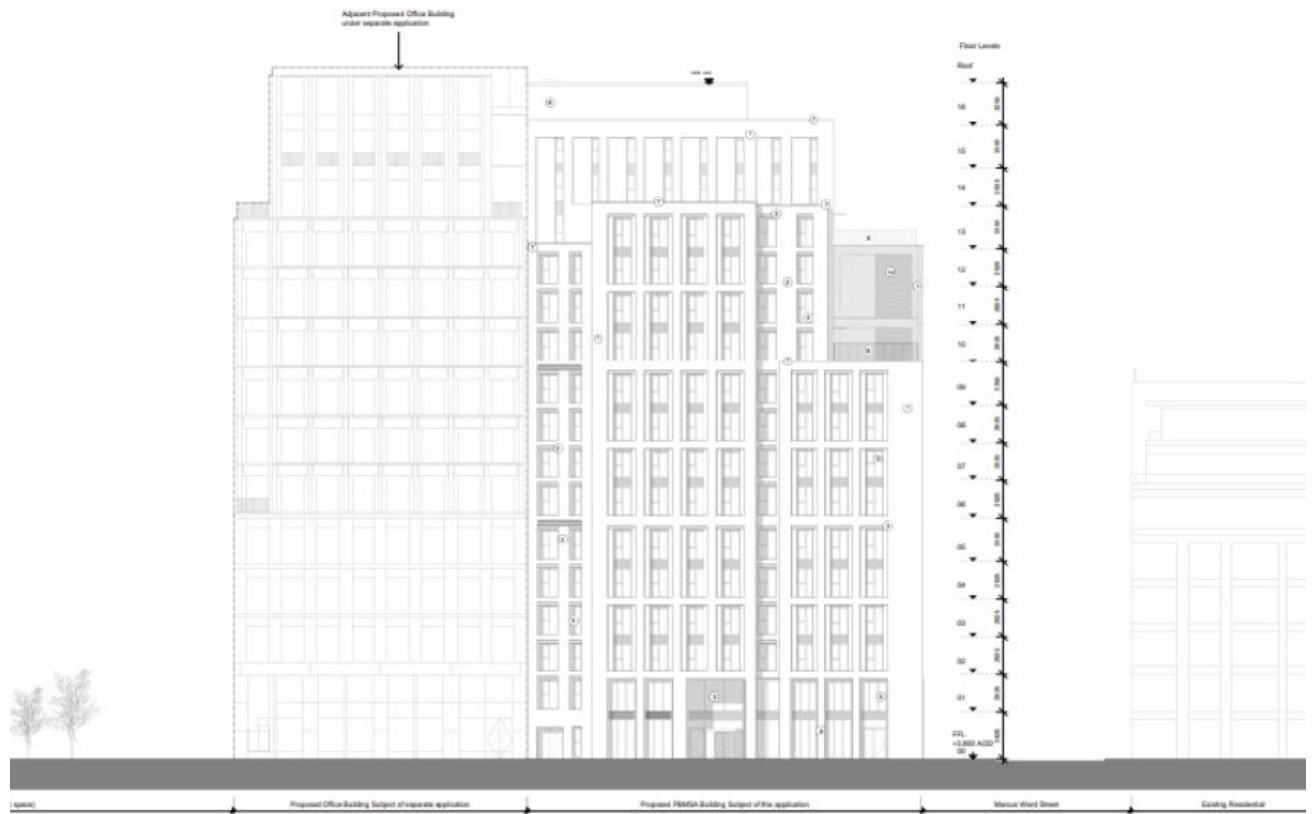
Site Location Plan:



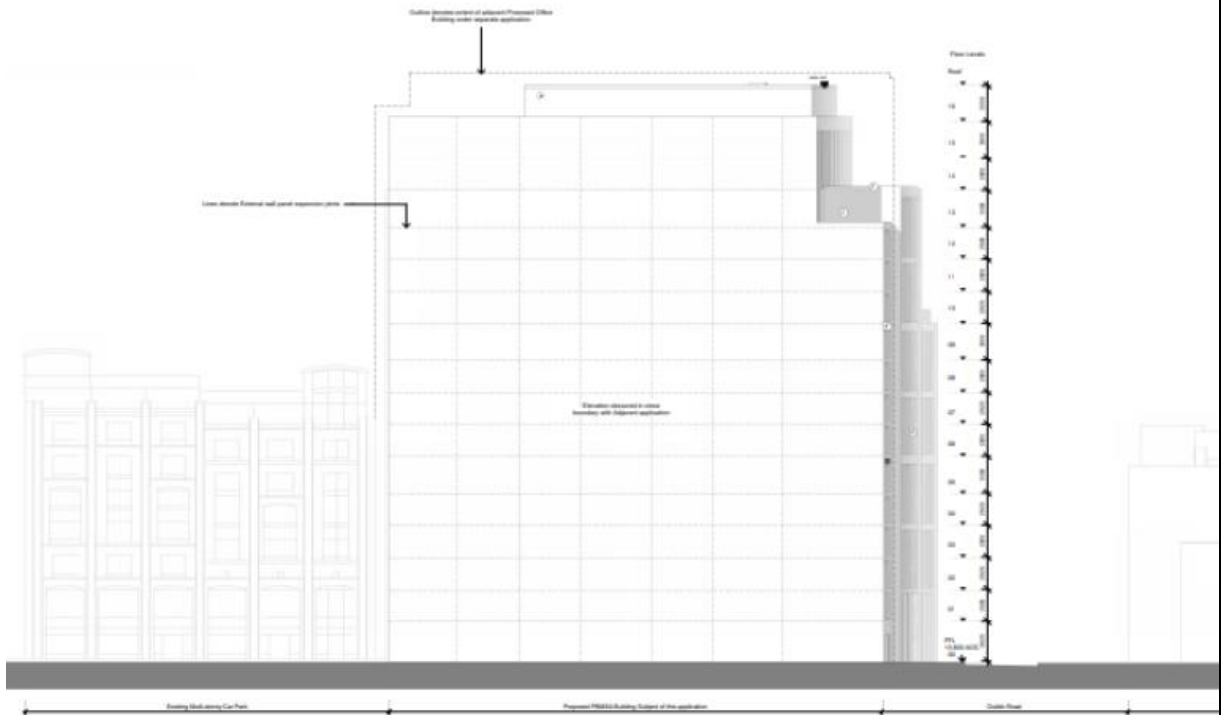
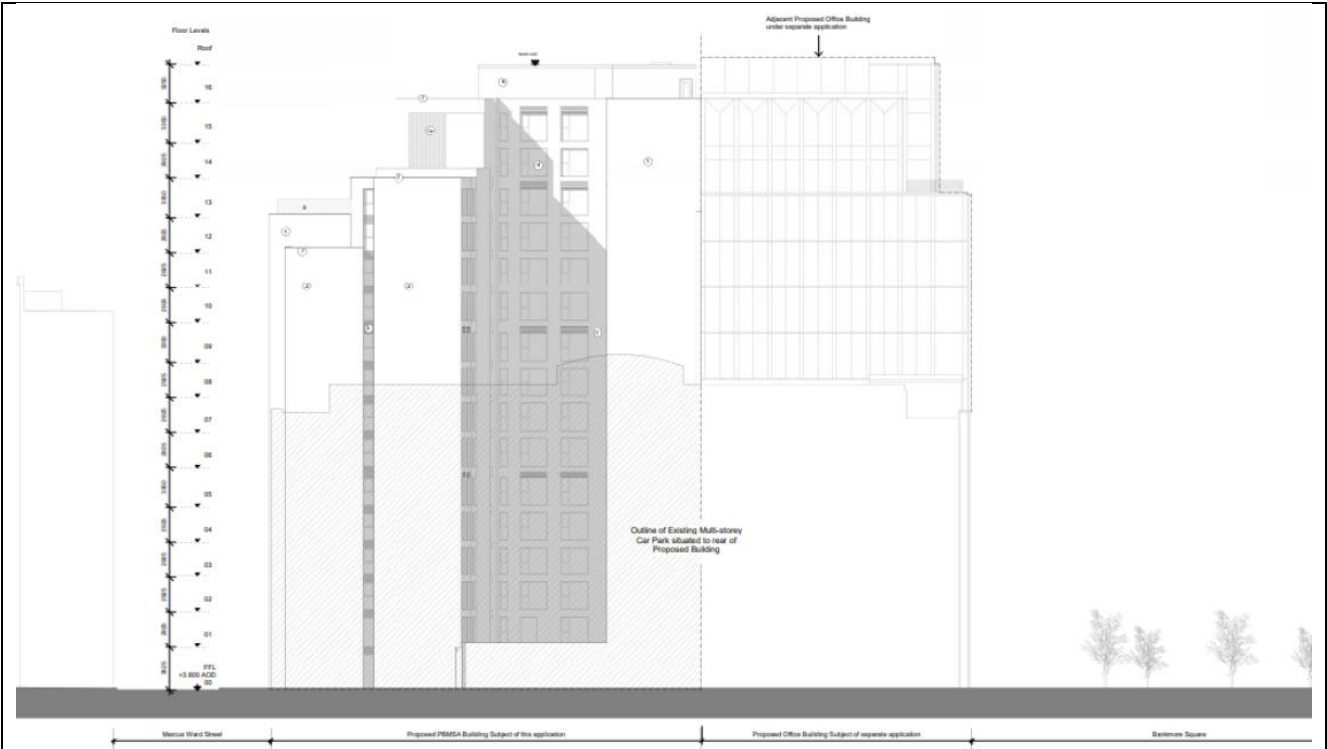
Proposed Ground floor:



Proposed Elevations:



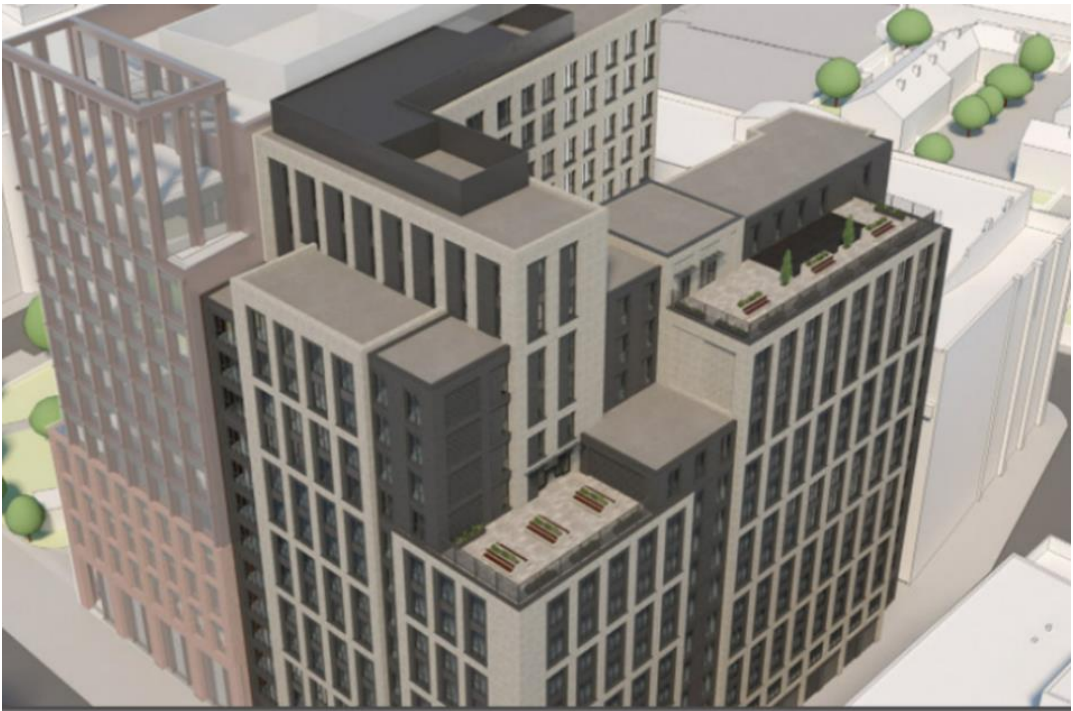
(Mercer Ward St) Elevation



North (Bankmore Square) Elevation (Internal Boundary)

1 | 203

CGIs:



<p>1.0</p> <p>1.1</p> <p>1.2</p> <p>1.4</p> <p>1.5</p> <p>1.6</p> <p>1.7</p>	<p>Characteristics of the Site and Area</p> <p>This application relates to the southern part of the former cinema site at No. 14 Dublin Road. The former cinema was demolished some years ago, the site cleared and currently occupied by mean-while uses.</p> <p>The site is approximately 0.16 hectares (ha) in size and relatively flat. It has a frontage to Dublin Road on its west side. To the south is Marcus Ward Street, which comprises residential apartments on its far side. The site backs onto a multi-storey car park to the east. The remainder of the former cinema site is located to the immediate north and is subject to a separate planning application for Grade A offices, also being considered by the Committee on the same agenda (LA04/2023/4366/F). Beyond this, further to the north, are Bankmore Square, Bankmore House and rear of the Clayton Hotel.</p> <p>The site is located to the south of the Linen Conservation Area.</p> <p>Description of Proposed Development</p> <p>The application seeks full planning permission for the erection of 17 storey Purpose Built Managed Student Accommodation (PBMSA) with additional use of accommodation outside term time comprising 459 no. units with communal facilities, internal and external communal amenity space and ancillary accommodation. The applicant is Queens University.</p> <p>The proposed building would be 57.25 metres in height. The building would be predominantly clad in facing clay brickwork alongside aluminium curtain walling and panelling, render and natural stone faced panels.</p> <p>The application follows a detailed Pre-Application Discussion (PAD) process.</p>
<p>2.0</p> <p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>RELEVANT PLANNING HISTORY</p> <p>LA04/2021/1703/F – temporary erection (for 2 years) of shipping containers to form an outdoor public house, food and retail market with associated covered canopies, seating and boundary. Permission granted on 24th May 2022 and expires on 23rd May 2024.</p> <p>LA04/2017/0562/F – demolition of existing cinema building and erection of a 12 storey Grade A office building comprising eleven floors of offices above a ground floor foyer and retail units, basement parking and other ancillary works. Proposal also includes the refurbishment of Bankmore Square open space and wider public realm improvements to surrounding footpath network. The Planning Committee resolved to approve the application subject to a Section 76 planning agreement. However, the application was withdrawn on 11th December 2020.</p> <p>The Council is currently considering a second application on the former cinema site on the land to the immediate north. The application is being heard at the same Committee meeting. The details of the application are below.</p> <p>LA04/2023/4366/F 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. 14 Dublin Road, Belfast.</p>

3.0	PLANNING POLICY
3.1	<p>Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity</p> <p>Policy SD2 – Settlement Areas</p> <p>Policy HOU12 – Purpose Built Managed Student Accommodation (PBMSA)</p> <p>Policy DES1 – Principles of urban design Policy DES2 – Masterplanning approach for major development Policy DES3 – Tall buildings Policy RD1 – New residential developments Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas Policy BH5 – Archaeology</p> <p>Policy TRAN1 – Active travel – walking and cycling Policy TRAN2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements Policy TRAN9 – Parking standards within areas of parking restraint</p> <p>Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS) Policy HC1 – Promoting healthy communities Policy GB1 – Green and blue infrastructure network Policy OS3 – Ancillary open space Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Placemaking and Urban Design Tall Buildings Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>

	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Material Considerations Purpose Built Managed Student Accommodation in Belfast (June 2016) Belfast: A Framework for student housing and purpose-built student accommodation Developer Contribution Framework (2020) Belfast Agenda (Community Plan)</p>
<p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p>CONSULTATIONS AND REPRESENTATIONS</p> <p><u>Statutory Consultees</u></p> <p>DfI Roads – no objection, recommends conditions.</p> <p>DfC HED – no objection.</p> <p>DfI Rivers – no objection, the proposal is not within a flood plain.</p> <p>DAERA – no objection, recommends conditions.</p> <p>NI Water – objection due to network capacity concerns. The applicant should liaise directly with NI Water and submit a Waterwater Impact Assessment.</p> <p><u>Non-Statutory Consultees</u></p> <p>Planning Service Urban Design Officer – concerns in relation to the proposed scale, height and massing of the building as it extends along Marcus Ward Street. Concerns about daylight and sunlight to the bedrooms facing the inner courtyard. Content with other aspects of the scheme.</p> <p>Environmental Health – no objection, recommends conditions.</p> <p>BCC Landscape and Development – no objection, unlikely significant adverse impact on the townscape.</p> <p>BCC Economic Development Unit – advises that a Construction Employability and Skills Plan is not required where Buy Social requirements are in place.</p> <p>Shared Environmental Services (SES) – following an appropriate assessment advises that the proposal would not have an adverse effect on the integrity of any protected European sites, either alone or in combination. Advises no objection subject to a condition to require submission and approval of details of sewage disposal.</p> <p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>Four representations have been received, raising the following concerns.</p> <ul style="list-style-type: none"> • Saturation of student accommodation in the city centre. • Impact on local business owners.

4.5	<ul style="list-style-type: none"> • Adverse impact on light to the apartments in Shaftesbury Court on Marcus Ward Street. Overshadowing of apartments on Marcus Ward Street. • Overlooking and loss of privacy from the raised terrace areas. • Lack of parking. • The height of the building is not in line with the building heights in this historic area of Belfast. The proposed building should be reduced in height. • The current traders on the site add a lot more to the area than any office block could do. <p>Matters relating to the need for student accommodation, impact on the amenity of residents on Marcus Ward Street, parking and the appropriateness of the height, scale, massing and design of the building are dealt with in the main assessment below. There is no evidence that the proposal would have an adverse impact on local businesses in land-use planning terms.</p>
5.0	<p>PLANNING ASSESSMENT</p> <p>Main Issues</p> <p>5.1 The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of PBMSA in this location • Design and placemaking • Impact on heritage assets • Impact on amenity • Climate change • Open space • Access and transport • Health impacts • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Natural heritage • Waste management • Section 76 planning agreement • Pre-Application Community Consultation <p>Development Plan Context</p> <p>5.2 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.</p> <p>5.3 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.</p> <p>5.4 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</p>

	<p>published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed above.</p> <p><u>Proposals Maps</u></p>
5.6	<p>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) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. 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>
5.7	<p>Belfast Urban Area Plan 2001 – the site is un-zoned “white land” within the Development Limit.</p>
5.8	<p>Belfast Metropolitan Area Plan 2015 (2004) – the site is un-zoned “white land” within the Development Limit. A Housing zoning (CC 02/04) is located to the south side of Marcus Ward Street to the south. A Protected City Centre Housing Area is located to the east and south of Hardcastle Street to the east, south and south west (CC 097/05). The site is located to the south of the Linen Conservation Area. The site is within the Shaftesbury Square Character Area (CC 016) where development proposals shall take account of the height of adjoining buildings. Development fronting Dublin Road shall be a minimum height of 5 storeys (17 metres to shoulder height) and a maximum height of 7 storeys.</p>
5.9	<p>Belfast Metropolitan Area Plan 2015 (v2014) – the site is un-zoned “white land” within the Development Limit. A Housing zoning (CC 02/04) is located to the south side of Marcus Ward Street to the south. A Protected City Centre Housing Area is located to the east and south of Hardcastle Street to the east, south and south west (CC 021/05). The site is located to the south of the Linen Conservation Area. The site is within the Shaftesbury Square Character Area (CC 013) where development shall take account of the height of adjoining buildings. Development fronting Dublin Road shall be a minimum height of 5 storeys (17 metres to shoulder height) and a maximum height of 7 storeys.</p> <p><u>Principle of PBMSA in this location</u></p>
5.10	<p>The site is located within the urban development limit in the BUAP 2001 and both versions of dBMAP 2015. It is within the City Centre in both versions of dBMAP 2015. Policy SD3 of the Plan Strategy states that the Council will support new economic and residential development to create a compact and vibrant city centre. The proposal is consistent with this strategic policy.</p>

5.11	<p><i>Accessibility:</i></p> <p>Policy HOU12 relates to proposals for PBMSA. In locational terms, criterion a. requires that proposals are easily accessible to higher education institution campuses by sustainable transport modes and not within established residential areas. The site is a central location close to the city centre core and within walking and cycling distance of the Queens University, Ulster University and Belfast Met campuses. It is within short walking and cycling distance to the new Grand Central Station (Transport Hub) and has good public transport links to Stranmillis University College, St. Mary's University College and Belfast Metropolitan College on Queens Island. In these regards, the proposal satisfies the accessibility requirements of criterion a.</p>
5.12	<p><i>Development not within an Established Residential Area:</i></p> <p>In terms of the second part of criterion a., Appendix B of the Plan Strategy states that an Established Residential Area is '<i>...normally taken to mean residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.</i>' The site is located at the northern end of Dublin Road, which comprises a mix of uses including commercial uses, offices, hotels, residential and a multi-storey car park. This part of Dublin Road is not dominated by a recognisable form of housing styles and does not meet the definition of an Established Residential Area in the Plan Strategy. Criterion a. is therefore satisfied.</p>
5.13	<p><i>Scale of the development:</i></p> <p>Criterion b. specifies that PBMSA proposals should consist of a minimum of 200 occupants. The proposal comprises 459 bedrooms, therefore satisfying this criterion.</p>
5.14	<p><i>Need for additional PBMSA:</i></p> <p>Criteria e. requires that proposals meet an identified need for the type of accommodation proposed, demonstrated through a statement of student housing need. The application is supported by a Statement of Student Need. The statement states that in 2021/22 there were 46,165 full-time students enrolled in higher education institutions in Northern Ireland. In Belfast, the higher education institutions are Queens University (QUB), Ulster University, Stranmillis University College and St. Mary's University College. In addition, Belfast Met is the largest Further and Higher Education College in Northern Ireland.</p>
5.14	<p>According to the statement, around 7,000 PBMSA bed spaces have been granted permission across the city with approximately 5,000 beds currently available. This is approximately 10% of the total student population in Belfast. The applicant (QUB) is confident that the demand from their students for accommodation will remain high and continue for the coming years.</p>
5.15	<p>QUB and Ulster University gave a joint presentation to the Council's City Growth and Regeneration Committee in December 2022. The Committee was advised that the city required a further 6,000 rooms for students by 2028/30. In addition, there was a growing demand for PBMSA over private rental sector accommodation and insufficient rooms either in the planning process or being constructed to address the shortfall.</p>

5.16	In September 2023, QUB announced further investment to help meet the demand for student accommodation in Belfast. QUB states that a further 3,000 more rooms will be needed in Belfast within the five years for QUB students alone.
5.17	Officers advise that since the universities' deputation to the City Growth and Regeneration Committee in December 2022, planning permission has been granted for a further 700 PBMSA bed spaces with 2,000 bed spaces pending in the planning process. This means that there is still headroom for further PBMSA schemes across the city. Moreover, the proposal is not a speculative venture but a commitment from QUB as applicant. QUB states that the proposal will be for the exclusive use of students registered at its university. It intends to commence development in Q3 2024 with the building ready for occupation in September 2026 for the 2026/27 academic year.
5.18	Having regard to these factors, it is considered that a need for the proposal is clearly established and that criterion e. is satisfied. <i>Economic development:</i>
5.19	The proposed building has a construction value of £35 million and is expected to support around 220 jobs during the construction phase. The proposal would increase the City Centre residential population and increase spending in the City Centre, supporting its shops, services and amenities. The proposal would have a positive economic impact for the city. <i>Purpose Built Managed Student Accommodation in Belfast SPG:</i>
5.20	In advance of the Plan Strategy, the Council published the above guidance to support the consideration of planning applications for PBMSA. The guidance sets out similar requirements to Policy HOU12 and other relevant policies in the Plan Strategy, covering areas such as accessibility, controlling development in established residential areas, open space, space standards, parking, waste and recycling. The Plan Strategy is the statutory development plan and carries greater weight than the equivalent topics in the SPG guidance. For the reasons set out in this report, it is considered that the proposal is consistent with the objectives of the guidance.
5.21	Having regard to the factors discussed above, the principle of PBMSA development in this location is considered acceptable. <u>Design and placemaking</u>
5.22	The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1, DES2 and DES3 of the Plan Strategy. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development, while Policy DES3 relates to the assessment of tall buildings including any impact on the setting, character and appearance of listed buildings, conservation areas, ATCs, and historic monuments/gardens.
5.23	The application follows a Pre-Application Discussion (PAD) process when issues relating to scale, height, massing and architectural treatment were discussed in detail.

Scale, height and massing:

5.24

The proposed building would occupy part of a prominent block at the junction of Dublin Road, Bankmore Square and Bruce Street. A large cinema previously occupied the site and adjacent plot. The height of the proposed building would be approximately 57 metres. In comparison, the heights of other buildings in the vicinity include the Clayton Hotel (37 metres) and Bankmore House (29 metres) to the north; multi storey car park (26 metres) to the east; and Shaftesbury Court (31 metres) and Somerset Studio (34 metres) to the south. The height of the original cinema on the site was 19 metres. The height of the proposed Grade A office building on the adjacent plot would be 54 metres.

5.25

The Urban Design Officer has no concerns in relation to the general scale, height and massing along the primary Dublin Road frontage, advising that this part of the scheme would be appropriate to its context. However, concerns are raised in relation to the scale, height and massing as the build extends along Marcus Ward Street, which is a secondary street. In terms of building hierarchy, buildings would traditional step down to reflect the lower heights of buildings on secondary streets. In this case, the opposite happens and the building steps up. However, planning officers advise that the frontage of the building onto Dublin Road would remain the tallest part of the building and the overall height and massing onto Marcus Ward Street would be lower in comparison.

5.26

When assessing the scale, height and massing of the building onto Marcus Ward Street, regard is also had to the previous withdrawn application (LA04/2017/0562/F), which the Committee had resolved to approve. A comparison of the current application (also showing the proposed Grade A office building on the adjacent plot) with the previous application is shown in the image below. This shows large sections of the proposed building to be lower on Marcus Ward Street than the previous scheme. The previous Committee decision is a material consideration.



View towards focal corner of site from Bruce Street.

----- Massing approved at Committee

5.27

It is considered that the form and massing of the proposed building is visually interesting with the vertical and horizontal shifts helping to break up its massing. The Council's Landscape and development team offers no objection to the scheme, which it considers to unlikely have a significantly impact on the townscape.

5.28	<p>Whilst dBMAP 2015 specifies heights of buildings on Dublin Road to be between 5 and 7 storeys, the height and scale of the proposed building are considered appropriate for the reasons stated. The scheme also ensures that more effective use is made of the site, desirable given the finite availability of land.</p> <p><i>Architectural treatment:</i></p>
5.29	<p>The proposed building would be predominantly clad in grey brick, which whilst not traditional in colour to Belfast, would provide a deliberate and effective contrast to the red brick and hues of the proposed Grade A office building, successfully breaking up the overall massing of the block. There are also several examples of white and lighter clad buildings elsewhere in Dublin Road and it is considered an appropriate material. In this regard, the Urban Design Officer welcomes the approach that has been taken in relation to the materials palette.</p> <p><i>Active frontage:</i></p>
5.30	<p>The proposed building would be activated on both its west and south frontages with a large open plan amenity area at ground floor. Back of house services have been minimised along Marcus Ward Street. A condition is recommended to require a lighting scheme and/or public art on the outside of the building next to the service areas to provide increased animation and visual relief.</p> <p><i>Public realm:</i></p>
5.31	<p>The proposal originally included public realm enhancements on Dublin Road, consistent with the requirements of the Council's <i>Developer Contribution Framework</i>. However, these proposals been removed because of concerns raised by DfI Roads about licensing and future maintenance.</p> <p><i>Masterplanning:</i></p>
5.32	<p>As mentioned, the Council is currently considering two applications on the former cinema site – the application subject to this report and the second application by Kainos on the adjacent plot. Both applications have been developed in close association with one another and the buildings have been designed to create a cohesive block. As mentioned, the predominant materials for each building are deliberately contrasting but complementary to avoid the scale and massing of both buildings combined being overwhelming in the street scene. Both buildings would be finished in brick and cladding with the proposed PBMSA building being in a lighter grey finish and the Grade A office scheme in a red tone. It is considered that the scale, height, massing and design of the two buildings would complement one another.</p>
5.33	<p>In terms of masterplanning, one of the key concerns is if only one of the two proposed buildings is constructed – this would leave only half of the block completed with the sole constructed building presenting a significant blank gable onto Dublin Road. This would have a damaging impact on the street scene and was a key discussion point raised by officers during the PAD process.</p>
5.34	<p>In order to give the Council assurances that such circumstances would not arise, the applicants for both applications advise that the contract between the respective applicant's contains a reciprocal commitment/penalty with regards the obligations to each party in terms of the build out of the respective party's development site. The contract contains an obligation to the effect that, in circumstances where works on either development site have not been finished to an extent where their core and shell</p>

	<p>have not been completed and the envelope of the building is not fully weather tight on or before a date, which is 24 months from the commencement of the development works authorised by the planning consent, and such a delay is a result of acts or delays on the part of either party (or its retained contractors), then the offending party shall pay the other by way of compensation until the core and shell of the relevant site have been completed and the building envelope is fully weather tight.</p>												
5.35	<p>Officers are satisfied that this gives appropriate assurances that both buildings will be constructed.</p> <p><i>Impact on the adjacent Linen Conservation Area:</i></p>												
5.36	<p>The site is located to the south of the Linen Conservation Area. However, for the reasons stated, the scale, height and design of the proposed building are considered appropriate to the site's context. It is considered that the proposal, which would assist in developing a significant gap site, would enhance the character and appearance of the adjacent Conservation Area.</p>												
5.37	<p>In summary, the proposal is considered acceptable having regard to Policies DES1, DES2, DES3 and BH2, and relevant provisions of the SPPS.</p> <p><u>Impact on the heritage assets</u></p>												
5.38	<p>A number of Listed Buildings are located further to the north close to the junction of Bedford Street with Linenhall Street and Ormeau Avenue. The closest Listed Building is Nos. 35 to 37 Bedford Street (Wetherspoons), Grade B2, to the north.</p>												
5.39	<p>However, given the appropriateness of the scale, form and design of the building and that it would complement its surrounding context, it is considered that the setting of this and other Listed Buildings would not be harmed.</p>												
5.40	<p>DfC HED offers no objection to the proposal in terms of potential impact on historic buildings and archaeology. It is considered that the proposal accords with Policies BH1 and BH5, and relevant provisions of the SPPS.</p> <p><u>Impact on amenity</u></p> <p><i>Space standards:</i></p>												
5.41	<p>Criterion c. of Policy HOU12 requires PBMSA proposals to provide a quality residential environment for students in accordance with the space standards for HMOs set out in Appendix C of the Plan Strategy. The proposed bedrooms would exceed the relevant space standards as set out in the table below. Criterion c. is therefore satisfied.</p>												
5.42	<table border="1"> <thead> <tr> <th>Room type</th> <th>Appendix C standard</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Standard bedroom</td> <td>6.5 sqm</td> <td>13.5 sqm</td> </tr> <tr> <td>Studio</td> <td>13 sqm</td> <td>17.9 sqm</td> </tr> <tr> <td>Accessible studio</td> <td>13 sqm</td> <td>25 sqm</td> </tr> </tbody> </table> <p><i>Open space and amenity space:</i></p>	Room type	Appendix C standard	Proposed	Standard bedroom	6.5 sqm	13.5 sqm	Studio	13 sqm	17.9 sqm	Accessible studio	13 sqm	25 sqm
Room type	Appendix C standard	Proposed											
Standard bedroom	6.5 sqm	13.5 sqm											
Studio	13 sqm	17.9 sqm											
Accessible studio	13 sqm	25 sqm											
5.43	<p>The proposal would provide two roof terrace areas on the upper floors (241 sqm) as well as a central courtyard area (129sqm). The courtyard would be shaded but at 15% of the overall site, the roof terraces alone would exceed the 10% open space</p>												

	<p>requirement of Policy OS3 as discussed later in the report. The external amenity areas would equate to an average of only 0.8 metres per bedroom. <i>Creating Places</i>, published in 2000, recommends that private communal open space should range from 10 sqm to around 30 sqm, however, this applies to apartment or flat developments, or 1 and 2 bedroom houses on small urban infill sites. Policy OS3 is considered to carry greater weight as part of the up-to-date statutory development plan and is satisfied. In addition, the scheme would provide internal amenity areas such as lounges, which would support the residential living environment. The overall external and internal amenity space would average 2.1 sqm per bedroom. Given the site's context and proximity to local parks, this level of amenity space is considered acceptable.</p> <p><i>Daylight and sunlight to bedrooms:</i></p>									
5.44	<p>As mentioned, the scheme includes an internal courtyard. This would be shaded and would not provide an effective amenity space. It has primarily been designed to provide natural light to the internal bedrooms within the building.</p>									
5.45	<p>The Urban Design Officer is concerned that the majority of the internal bedrooms facing the inner courtyard would not meet Building Research Establishment (BRE) guidelines. The Urban Design Officer's assessment concludes that 46.4% of all rooms fail to meet the minimum standard of 1.5 hours of sunlight. Some minor modifications were subsequently made to the Marcus Ward south elevation with the removal of four bedroom units and slight reduction of the overall height. The Urban Design Officer advises that this has had a marginal benefit with the number of bedrooms meeting the requirements increasing from 46.4% to 47.3%. Using the same methodology, the proportion of bedrooms meeting the daylight requirements has increased from 63.9% to 65%. The Urban Design Officer therefore advocates more significant reduction of the height and massing of the scheme onto Marcus Ward Street, which would also alleviate their concerns about the height onto the secondary street.</p>									
5.46	<p>In response, the applicant points out that the BRE guidance is advisory and '<i>...not an instrument of planning policy.</i>' The guidance also acknowledges in its introduction that '<i>Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design (see Section 5). In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.</i>'</p>									
5.47	<p>The applicant also states that the reduction in height and massing onto Marcus Ward Street as advocated by the Urban Design Officer '<i>...would only see changes to a small number of rooms rather than a significant uplift in performance. The shortfalls at mid and lower floors are more a function of massing proximity than height, which is in response to holistic building for this site.</i>'</p>									
5.48	<p>The application is accompanied by a Daylight and Sunlight Report. The proportion and number of rooms meeting the BRE targets for daylight, sunlight and lux levels are summarised in the table below.</p> <table border="1" data-bbox="339 1839 1490 1944"> <thead> <tr> <th>Type of Room</th> <th>BRE Daylight target</th> <th>BRE Sunlight target</th> </tr> </thead> <tbody> <tr> <td>Bedroom</td> <td>67% (309/459 bedrooms)</td> <td>53% (244/459)</td> </tr> <tr> <td>Shard LKD</td> <td>48% (29/61 LKDs)</td> <td>61% (37/61 LKDs)</td> </tr> </tbody> </table>	Type of Room	BRE Daylight target	BRE Sunlight target	Bedroom	67% (309/459 bedrooms)	53% (244/459)	Shard LKD	48% (29/61 LKDs)	61% (37/61 LKDs)
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5.49	In terms of daylight targets, the report observes that <i>‘The remaining habitable rooms seeing lower levels of light are mostly located on lower floors or within the courtyard, where daylight availability is inherently reduced. This is common of a site within a historic city centre and the levels achieved are comparable with other emerging student accommodation schemes in Belfast.’</i>
5.50	In terms of sunlight, the report advises that <i>‘Shortfalls occur on the lower floors facing onto existing buildings to the south, east and west, or within the courtyard. It is important to note that sunlight performance is largely dependent on the surrounding context. It is also common for courtyard configurations in an urban area to have a lower expectation of light.’</i>
5.51	The report concludes by stating: <i>‘Overall, the Proposed Development is considered to make the most of the daylight and sunlight available. Where shortfalls occur, it is predominantly because of the constrained location, either due to the courtyard configuration or the obstruction resulting from existing surrounding buildings. It is inevitable that within a context such as this, some rooms may fall short of the recommended levels. The design team has sought to maximise light within these areas as much as possible, however a degree of flexibility ought to be used in applying the BRE criteria for this Site. The levels of light seen are considered comparable with what would likely be found within other emerging student accommodation schemes in the locality. It is reasonable to conclude that the daylight and sunlight levels proposed are adequate for the context and in line with expectation for an inner city location.’</i>
5.52	<p>Whilst it is evident that a large proportion of the bedrooms would not meet the BRE standards, regard is had to the transitory nature of the student accommodation and that the proposal is not for long term residential occupancy or permanent housing. It is recognised that a balance has to be struck between delivering a form of building that sits comfortably within the block and street-scene, and proposed end use. Having regard to these factors and the overall benefits of the scheme as outlined in this report, on balance, the living conditions of those bedrooms that would receive less than standard sunlight and daylight is considered acceptable.</p> <p><i>Impact on neighbour amenity:</i></p>
5.53	A number of residents of the apartments on Marcus Ward Street have expressed concerns about the impact of the proposal on their amenity by way of overlooking from the roof terraces, noise and loss of sunlight and daylight.
5.54	In terms of the impact of the roof terraces, Environmental Health has not raised any specific concerns in relation to noise impact on local residents. Although officers consider it appropriate to limit the hours that the roof terraces can be used by condition. The applicant has proposed limiting the use of terraces to between 8am and 11pm and this is currently being considered by Environmental Health. Use of the terrace areas would also be subject to the management plan for the overall building, which is proposed to be secured by a Section 76 planning agreement.
5.55	It is considered that there would be no harmful overlooking from the roof terraces as they would be no closer than the bedroom windows in the south façade and the street-to-street relationship is considered acceptable.
5.56	In relation to loss of sunlight and daylight, the application is accompanied by a Daylight, Sunlight and Overshadowing Report. This concludes that in the Existing v Proposed and Cumulative (the Cumulative being both the PBMSA and Grade A office schemes) scenarios, the majority of windows experiencing daylight alterations have impacts that

	are considered to be minor in nature. Where greater alterations in daylight occur, this is due to the windows being architecturally burdened by their own building form (e.g. deeper window reveals). A similar degree of impact was deemed acceptable for the previous 2018 scheme which the Planning Committee resolved to approve.
5.57	The report advises that compliance rates are 75.1% for VSC (daylight) and 100% for APSH (sunlight), with three of the 29 properties assessed (Clayton Hotel & 12 Bankmore Square, Shaftesbury Square and Somerset Studios) experiencing daylight and sunlight alterations outside of BRE recommendations upon implementation of the proposed development.
5.58	The report also considers the cumulative scenario (i.e. taking account of the proposed Grade A office scheme on the adjacent plot). The outcome of this assessment confirms that 12 additional windows within Clayton Hotel & Bankmore Square and one window additional within Somerset Studios will fall short of guidance for VSC (daylight). When assessed against the APSH sunlight methodology, 10 windows within Clayton Hotel and 2 Bankmore Street will marginally fall short of guidance. All windows will continue to meet BRE criteria for winter sunlight.
5.59	In relation to the overshadowing assessment conducted upon Bankmore Square located to the north, the public amenity space will satisfy BRE criteria for overshadowing against all assessment scenarios.
5.60	It is important to note that the BRE Guidelines should be treated flexibly in an urban environment, Section 1.6 of the guidelines state that: <i>'Although, it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'</i> .
5.61	Having regard to the assessment that has been undertaken, it is considered that the proposal would have some but not significant adverse impact on daylight and sunlight to the residential apartments on Marcus Ward Street. It is noteworthy that it is their north elevations that are affected by the proposed development with the path of the sun travelling to the south. The impact would also not be greater than the previous office application on the site that was approved by the Committee, but later withdrawn. Taking these factors into account, it is considered that the proposal would not have an unacceptable impact in terms of daylight and sunlight. <i>Management plan:</i>
5.62	A draft management plan has been provided with the application and a final student management plan will be secured through a Section 76 planning agreement. This will deal with, amongst other matters, anti-social behaviour, noise and management of the use of the upper floor roof terraces, helping to mitigate potential impacts on neighbours, and satisfying criterion d. of Policy HOU12.
5.63	In these regards, the proposal is considered to satisfy Policies DES1 and RD1, and relevant provisions of the SPPS.
	<u>Climate change</u>
5.64	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposed building is targeting Passivhaus "Classic"

standard and BREEAM Excellent rating, which is considered to satisfy both policies. A condition to ensure that these standards or equivalent are met is recommended accordingly.

5.65

Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The scheme proposes the use of a “BluRoof Stormwater Management System”, which would mimic the greenfield run-off rate. DfI Rivers offers no objection to the drainage proposals which are considered acceptable and compliant with Policy ENV5.

Open space

5.66

Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.

5.67

The proposed building incorporates two terrace areas on the upper floors measuring 87sqm and 154 sqm, totalling 241 sqm, which equates to 15% of the site area. These are shown in the image below. A further central courtyard would provide 129 sqm amenity space (8% of the site area) although this area would be in shadow and not particularly useable. Even still, the scheme would exceed the 10% threshold with the internal courtyard discounted. The scheme also includes internal amenity areas. The requirements of Policy OS3 are met.



<u>Access and transport</u>	
	<i>Accessibility and parking:</i>
5.68	As previously mentioned, the site is a highly accessible location in the City Centre, within short walking and cycling distance of the city centre and its shops, services and leisure. The site is also accessible to the Queens University, Ulster University and Met campuses. The site has very good public transport links and is very close to the new Grand Central Station (Transport Hub). Whilst no dedicated on-site parking is proposed, this is considered acceptable in view of the sustainable location of the site, the applicant's commitment to a green travel plan and provision of secure sheltered parking for 114 bicycles within the building.
5.69	The applicant has provided details of disabled parking in the vicinity of the site. The multi-storey car park next to the site to the east has five dedicated disabled parking spaces with no restriction on the length of stay. The Little Victoria Street car park, approximately 55 metres from the site entrance, contains four disabled parking bays. Pay and display parking is available on Dublin Road itself with Blue Badge concessions available for people with mobility issues. Satisfactory parking provision is therefore in place for disabled car users.
5.70	DfI Roads offers no objection to the proposal, which is considered acceptable in terms of accessibility, parking and highway safety. DfI Roads advises conditions, which are recommended.
5.71	The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN4, TRAN6, TRAN 8 and TRAN 9, and relevant provisions of the SPPS.
	<u>Health impacts</u>
5.72	Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
5.73	The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through excellent linkages with the city centre and its shops, services and amenities. Active travel will be further encouraged through the applicant's green travel plan.
5.74	Good levels of open space/amenity space are proposed in the form of outdoor terraces.
5.75	In terms of place making, the proposed building is considered to be of a high-quality design which would provide a pleasant living environment for students, and well as enhancing the character and appearance of the area.
5.76	The proposal is considered to satisfy the requirements of Policy HC1.

	<p><u>Environmental protection</u></p>
5.77	<p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, noise and dust impacts.</p>
	<p><u>Contaminated land</u></p>
5.78	<p>The contaminated land reports provided with the application conclude that no remediation is required. Environmental Health therefore advises that only an informative is required on the decision notice. The proposal accords with Policy ENV1.</p>
	<p><u>Air quality</u></p>
5.79	<p>The application is accompanied by an Air Quality Assessment, which concludes that the relevant thresholds would not be exceeded. Environmental Health notes that rooftop plant and a generator are proposed as part of the scheme. It therefore advises a condition to require a further Air Quality Assessment should centralised combustion sources be proposed. Subject to this condition, it is considered that the proposal accords with Policy ENV1.</p>
	<p><u>Noise and vibration</u></p>
5.80	<p>In relation to noise, Environmental Health notes that the main current sources of noise are traffic, buses and pedestrian activity. It advises conditions in relation to the acoustic performance of the windows, alternative means of ventilation and noise limits for plant and equipment. These conditions are recommended. Environmental Health also advises that a student management plan is required – a draft student management plan has been provided with the application and a final version will be required to be submitted, approved and implemented through a Section 76 planning agreement.</p>
5.81	<p>In relation to construction noise and dust, Environmental Health advises that a Construction Environmental Management Plan (CEMP) should be required by condition. This condition is also recommended.</p>
5.82	<p>It is considered that the proposal accords with Policy ENV1.</p>
	<p><u>Flood risk and drainage</u></p>
5.83	<p>DfI Rivers advises that the site is not with a present day or climate change flood plain. Nor are there any watercourses within the site. It is satisfied with the proposed “BluRoof Stormwater Management System”, which would mimic the greenfield run-off rate. Accordingly, it offers no objection to the proposal. These drainage proposals will be required to be implemented by condition. The proposal satisfies Policy ENV5.</p>
	<p><u>Waste-water infrastructure</u></p>
5.84	<p>Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has objected to the proposal on grounds of insufficient network capacity. It states that there are significant risks to the environment and detrimental impact on existing properties. NI Water advises that the applicant consults directly with NI Water on this issue.</p>

5.85	<p>NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. Moreover, NI Water has not provided direct evidence of expected harm that would result from the development. For these reasons, it would be unreasonable to refuse planning permission on these grounds and the proposal is considered acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p><u>Natural heritage</u></p>
5.86	<p>Policy NH1 relates to the protection of natural heritage resources.</p>
5.87	<p>NI Water has objected to the application on grounds of insufficient network capacity and has cited concerns about environmental pollution. Particular regard should be had to potential pollution of Belfast Lough – an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC) – should the site and lough be hydrologically linked.</p>
5.88	<p>Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough. Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p>
5.89	<p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p>
5.90	<p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult DAERA and SES. DAERA advises no objection to the proposal subject to a condition to require submission and approval of details of sewage disposal. SES has been consulted following DAERA's response and offers no objection. SES has completed an Appropriate Assessment and advises that the proposal would not have any significant effects on Belfast Lough, either alone or in combination with other developments. It advises that mitigation is provided by means of a condition to require submission and approval of the details of the method of sewage disposal. This condition is recommended.</p>
5.91	<p>DAERA has advised that it has no further concerns about the proposal, advising conditions in relation to piling, decommissioning of boreholes and requirements should future contamination be found. These conditions are recommended as appropriate.</p>
5.92	<p>Subject to a satisfactory further response from SES, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.</p>

	<p><u>Waste management</u></p>
5.93	<p>The application is supported by a Waste Management Plan. This sets out provision for accommodating total waste generated from the building, segregation of waste for recycling and how convenient and safe access for depositing waste and collecting waste will be facilitated. The Council’s Waste Management team is currently being re-consulted following further clarification of the proposals from the applicant. The officer recommendation is subject to the consultation response and resolving any outstanding issues as appropriate.</p>
	<p><u>Employability and Skills</u></p>
5.94	<p>The <i>Developer Contribution Framework</i> requires proposals for Major development to contribute towards Employability and Skills where necessary. However, in this case, Buy Social clauses are in place as the scheme will be brought forward by QUB. As such, the Council’s Economic Development team advises it is unnecessary to secure an Employability and Skills Plan through a Section 76 planning agreement.</p>
	<p><u>Section 76 planning agreement</u></p>
5.95	<p>Should the application be approved, the following planning obligation should be secured by way of a Section 76 planning agreement. This is considered necessary to make the proposed development acceptable.</p> <ul style="list-style-type: none"> • Student management plan – requirement for the submission, approval and implementation of a final student management plan.
5.91	<p>A draft Section 76 planning agreement is currently being drafted without prejudice and will need to be finalised before planning permission is granted.</p>
	<p><u>Pre-Application Community Consultation</u></p>
5.92	<p>For applications for Major development, there is a legislative requirement for applicants to consult the community in advance of submitting the application.</p>
5.93	<p>Applicants are required to submit to the council a ‘Proposal of Application Notice’ (PAN) in advance of making the application, which sets out the proposals for the pre-community consultation. A PAN was submitted in July 2023 (LA04/2023/3627/PAN) and confirmed by the Council to be acceptable.</p>
5.94	<p>The applicant is further required to prepare a Pre-Application Community Consultation report (PACC) to accompany the planning application. A PACC Report was submitted with the application, which describes the engagement process and feedback received. A public event was held in September 2023 and a dedicated community consultation website established. A total of nine feedback forms were completed. Feedback was provided in relation to design, regeneration, sustainability, need, active travel, public accessibility and relocation of the trade market.</p>
5.95	<p>The PACC report is considered compliant with the legislative requirements.</p>

<p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Recommendation</p> <p>Having regard to the Development Plan and material considerations, it is recommended that planning permission is 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 wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, including those raised in the further consultation responses from Shared Environmental Services and Waste Management team, provided that the issues are not substantive.</p>
<p>7.0</p>	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> 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. 2. No external brickwork or external cladding panels shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council. The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials and panelling. Reason: In the interests of the character and appearance of the area. 3. Within one year of the occupation, evidence that the building has been constructed to at least Passivhaus "Classic" or BREEAM Excellent standard, or equivalent, shall be submitted in writing to the Council. Reason: To ensure that the development mitigates and adapts to climate change. 4. No development shall commence (other than site preparation, clearance and the digging of foundations) unless a lighting and/or public art scheme to animate the exterior of the servicing areas onto Marcus Ward Street has been submitted to and approved by the Council. The development shall not be occupied unless the approved scheme has been implemented and it shall be retained as such at all times, unless the Council grants its prior written approval to any variation. Reason: In the interests of good placemaking. 5. The development hereby approved shall not be occupied until the external terraces have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times. Reason: To ensure that a quality residential environment is provided for occupants of the approved development.

6. The external terraces shall not be used outside the hours of [to be advised by Environmental Health].
Reason: In the interests of neighbour amenity.
7. The SuDS and other drainage measures, including BluRoof Stormwater Management by ALUMASC system shall be implemented as specified in the application and the building shall not be occupied until verification and evidence of such has been submitted to and approved in writing by the Council.
Reason: In order that the development provides sustainable drainage
8. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times.
Reason: To ensure that appropriate provision is made for storage and disposal of waste.
9. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan (Issued 27 October 2023 and authored by ARUP).
Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.
10. The development hereby approved shall not be occupied or operated unless in accordance with the approved Service Management Plan.
Reason: In the interests of highway safety and free flow of traffic.
11. The development hereby permitted shall not be occupied unless the secure cycle storage area has been provided in accordance with the approved plans and shall be permanently retained as such at all times.
Reason: To promote active travel and to mitigate the absence of dedicated parking within the development.
12. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.
Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.
13. The development hereby approved shall not be commenced until a final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall clearly demonstrate the mitigation measures to be put in place to minimise adverse impacts from vibration, noise and dust on nearby premises during the construction phases in line with BS 5228:2009 *Code of practice for noise and vibration control on construction and open sites*. All construction shall be carried out in accordance with the approved CEMP.

Reason: In the interests of neighbour amenity.

14. All plant and equipment associated with the development hereby permitted shall be designed so as to achieve a rating level (LAr) no greater than the Background Sound Level, LA90, both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014+A1 2019 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of local amenity.

15. Deliveries and collections to and from the development hereby permitted development shall not take place outside the hours of 0700 to 2300.

Reason: In the interests of local amenity.

16. Prior to installation of window units within the development, details of the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors shall be submitted to and approved in writing by the Council. The details shall be based on a Noise Impact Assessment and representative noise survey and shall demonstrate that the proposed sound reduction specification of windows achieves the following internal noise levels within proposed residential units:

- 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;
- 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 LAmx 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.

The windows and glazing shall not be installed unless in accordance with the approved details.

Reason: In the interests of the amenity of occupants of the development.

17. The development hereby permitted shall not be occupied until alternative means of ventilation has been installed in accordance with details that shall have first been submitted to and approved in writing by the Council. 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.

Reason: In the interests of the amenity of occupants of the development.

18. Prior to the occupation of the building, a verification report that demonstrates compliance with conditions 16 (glazing performance) and 17 (alternative means of ventilation) has been submitted to and approved in writing by the Council.

Reason: In the interests of the amenity of occupants of the development.

19. No development or piling shall be carried out 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 approved in writing by the Council. No piling shall be carried out unless in accordance with the approved details.

Reason: To protect the groundwater environment.

20. Should new contamination or risks be encountered during the construction phase which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council and subsequently implemented. After completing any required remediation works, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the development wastes and risks and achieving the remedial objectives.

Reason: To protect the groundwater environment.

DRAFT INFORMATIVES

NOT04 Section 76 planning agreement

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which requires the submission, approval and implementation of a Construction Employability and Skills Plan.

NOT02 Compliance with planning permission

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council’s Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.

NOT03 Discharge of condition(s)

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

NOT05 Non-planning requirements

The grant of planning permission does not dispense with the need to obtain licenses, authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer, consents or permissions under other legislation or protocols.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th April 2024	
Application ID: LA04/2023/3635/RM	Target Date:
Proposal: Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works.	Location: Lands bound by Glenalpin Street, Wellwood Street and Norwood Street, Belfast
Referral Route: Major development	
Recommendation:	Approval
Applicant Name and Address: Artemis Development Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<p>Executive Summary:</p> <p>Outline planning permission for '<i>Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping</i>' was approved in June 2019 (LA04/2019/0127/O).</p> <p>The current application seeks approval of the Reserved Matters pursuant to the outline planning permission for an 11-storey residential development comprising 205 units, car parking, landscaping and all associated site works. All matters were reserved at the outline stage, namely:-</p> <ul style="list-style-type: none"> • Siting; • Design; • External appearance • Means of access; and • Landscaping <p>The Committee is reminder that this is not an application for planning permission but an application seeking approval of the details pursuant to the outline planning permission. The principle of development is established through the outline planning permission.</p> <p>The key issues for the assessment of the application solely relate to consideration of the reserved matters and include:</p> <ul style="list-style-type: none"> • Scale, layout and design • Amenity and open space provision • Climate change • Access and parking • Impact on amenity • Drainage and flood risk 	

The outline planning permission establishes the principle of an 11-storey residential building (circa 200 units) on the site. The scale and massing of the proposed building are consistent with indicative plans supporting the outline application. A condition required that the shoulder heights of the building, exclusive of rooftop plant, are no higher than the indicative levels shown on the approved indicative elevational drawings and this has been adhered to. The design, detailing and proportions of the proposed building are considered appropriate to the site and its surroundings.

DfI Roads has requested further technical information in relation to dimensions on layout plan
DfI Rivers has no objection.

A total of 6 objections have been received. These are set out and considered in the main report.

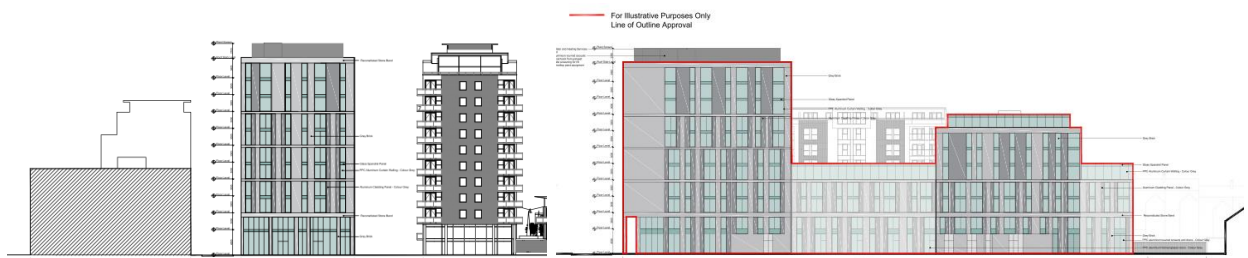
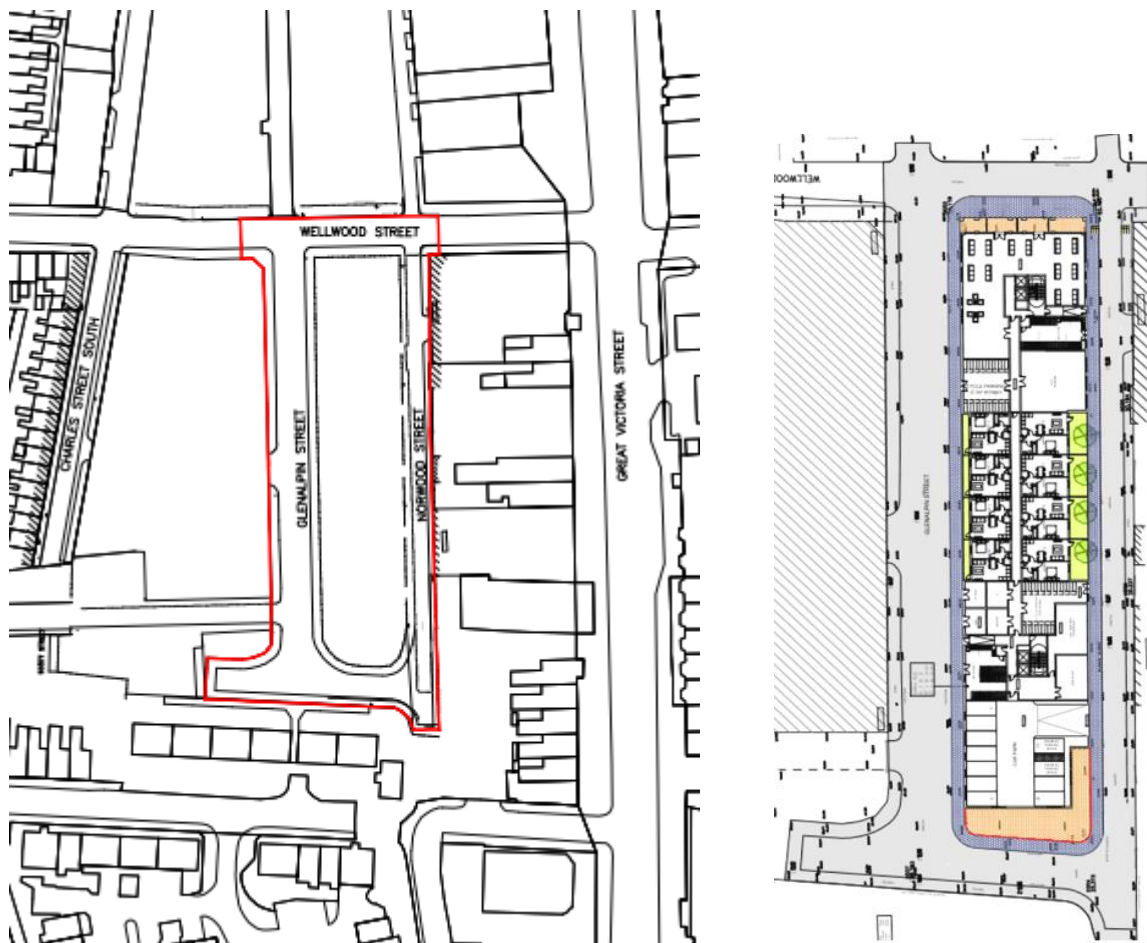
Recommendation

Having regard to the development plan and other material considerations, the reserved matters are considered acceptable. It is therefore recommended that the reserved matters are approved.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to resolution of the outstanding issues raised by DfI Roads, and deal with any other matters that arise, provided that they are not substantive.

Case Officer Report

Site Location Plan and layout



1.0 Description of Proposed Development

- 1.1 This application seeks approval of Reserved Matters for an 11-storey residential development comprising of 205 units, car parking, landscaping and all associated site works. The application is made pursuant to the outline planning permission for 'Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping', approved in June 2019 (LA04/2019/0127/O).
- 1.2 The Committee is reminder that this is not an application for planning permission but an application seeking approval of the details pursuant to the outline planning permission.

1.3	The proposed building is a single and elongated block with a maximum height of approximately 35.5m (11 storeys) facing onto Wellwood Street. This drops to 17m (5 storeys) before rising and dropping again to 25m (8 storeys) and 17m to the rear of the site backing onto the dwellings in St. Georges Gardens.
1.4	The proposed ground floor plan includes an area of internal recreation space to the front (northern end) of the building, including a narrow planted area along Norwood Street to the front of four ground floor apartments.
2.0	Description of Site
2.1	The application site is located within the City Centre and is bounded by existing streets on all four sides and currently serves as a surface level car park.
2.2	The surrounding area mostly consists of housing, including to the south and west with modern apartment blocks on either side. A vacant car park (owned by NIHE) is located immediately north of the site with the new Grand Central Station beyond this to the north west. To the south is low rise traditional housing.
3.0	Planning History of the application site
3.1	LA04/2019/0127/O – Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping. Approved 11 th June 2019.
3.2	LA04/2023/2922/F – Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping. The applicant has submitted an appeal for non-determination. At the December 2023 meeting, the Planning Committee agreed that the Council’s position at the appeal will be that planning permission should be refused and the appeal dismissed on grounds that the site is within a Residential Area, where PBMSA is unacceptable in principle, having regard to Policy HOU12 of the Plan Strategy.
4.0	Policy Context
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.

<p>4.4</p> <p>4.5</p> <p>4.6</p> <p>4.7</p> <p>4.8</p>	<p>Operational policies – 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"> • SP3 Improving health and wellbeing • SP5 Positive placemaking • SP6 Environmental resilience • SP7 Connectivity • HOU4 Density • HOU6 Housing mix • HOU7 Adaptable and accessible accommodation • RD1 New Residential Developments • DES1 Principles of Urban Design • DES3 Tall Buildings • BH1 Listed Buildings • TRAN 1 Active Travel • TRAN 2 Creating an Accessible Environment • TRAN 8 Car Parking and Servicing Arrangements • TRAN 9 Parking Standards within areas of parking restraint • ENV1 Environmental Quality • ENV2 Mitigating Environmental Change • ENV3 Adapting to Environmental Change • ENV5 Sustainable Drainage System • OS3 Ancillary Open Space <p>Proposals Maps – 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 un-zoned “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> Developer Contribution Framework</p>
<p>5.0</p>	<p>Statutory Consultees DFI Roads – further information requested (see main assessment) DFI Rivers – no objection</p>

6.0	Non-Statutory Consultees N/A
7.0 7.1 7.2	Representations The application has been advertised and neighbour notified. Six objections have been received to date. The following concerns are raised. <ul style="list-style-type: none"> • Need for Social Housing <i>Officer response – the site is un-zoned and the Council must consider the application before it. There was no policy requirement for social/ affordable housing when the outline approval was granted. The application solely relates to consideration of the reserved matters; the provision of affordable housing would have been a matter for the outline planning application and cannot be considered retrospectively.</i> • Potential for Anti-Social Behaviour with Student Accommodation <i>Officer response – the proposal is not for student accommodation, but residential development.</i> • Loss of privacy/ loss of light <i>Officer response – Impact on amenity was assessed at outline stage in terms of the broad parameters for the scale, height and massing of the building. These are in keeping with the indicative elevations approved. It is inevitable that introducing a building of this scale will lead to some impact on amenity for residents in adjacent housing and apartment blocks. However, it is considered that any impact on amenity would not be considered significant in this high density inner city environment.</i> • Impact of balconies in PBMSA on neighbouring amenity <i>Officer Response – the proposal is not for PBMSA and no external balconies are proposed.</i> • Impact of Noise on Neighbouring residential units <i>Officer Response – the site is located within the city centre, where background noise levels are relatively high from various sources including the nearby Great Victoria Street. The addition of the glazed barrier around external amenity areas will reduce potential noise breakout from these communal areas. Environmental Health has also noted that The Irwin Carr Consulting letter of the 5th February 2024 recommends the glazed barriers to the fifth and eight floor external amenity areas and advises that with the barriers in place, noise levels in these areas are predicted to be below the WHO upper limit at which it is suggested there is potential for onset of serious annoyance. These barriers will be required to be constructed by planning condition.</i>
8.0 8.1	ASSESSMENT The key issues for the assessment of the application are: <ul style="list-style-type: none"> • Scale, layout and design • Amenity and open space provision • Climate change • Access and parking • Impact on amenity • Drainage and flood risk

8.2	<p>It should be noted that the principle of residential development has been established on site through the outline planning permission. This application only considers the acceptability of the proposed reserved matters, namely siting, design, external appearance, means of access and landscaping.</p> <p>Scale, layout and design</p> <p><i>Density:</i></p>
8.3	<p>The site is approximately 0.5 hectares (ha) in size. With 205 units proposed, the density is approximately 410 dwellings per ha. This density is in line with the density band for tall buildings within the City Centre as set out in Policy HOU4 of the Plan Strategy. It should also be noted that a notional 200 units was considered at the outline stage, granted approval prior to adoption of the Plan Strategy in May 2023.</p> <p><i>Housing mix:</i></p>
8.4	<p>Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:</p> <ol style="list-style-type: none"> a. Up to date analysis of prevailing housing need in the area; b. The location and size of the site; c. Specific characteristics of the development; and d. The creation of balanced and sustainable communities.
8.5	<p>The requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.</p>
8.6	<p>The proposed housing mix comprises both one and two bedroom units of varying size. 150 x one bedroom and 55 x 2 bedroom units are proposed, including four studio apartments and 21 wheelchair accessible apartments. No larger units are proposed. The SPG suggests that more 3 and 4-bedroom apartments should be encouraged to meet the requirement for increased size, including family housing, whilst promoting choice and facilitating the creation of sustainable and balance neighbourhoods.</p>
8.7	<p>In assessing the housing mix, regard is had to the specific location and characteristics of the site and immediate environment, which is considered to lend itself to smaller units, as well as the Build To Rent model of the proposed scheme, which can be targeted at young professionals as well as downsizers, retirees and smaller families. There is also a good range in the size of the units from 45 sqm to 85 sqm with the larger units equivalent of 3 bedroom six-person units accordance to the standards in Appendix C of the Plan Strategy. On balance, taking these factors into account and in this particular case, the proposed housing mix is considered acceptable and compliant with Policy HOU6.</p> <p><i>Scale, height and massing:</i></p>
8.8	<p>The proposal has been assessed against the SPPS and Policies RD1, DES2 and DES3. The outline planning permission sets out the scale and massing parameters for the scheme, with indicative elevations provided at outline stage. A condition was imposed that requires that the shoulder heights of the building, exclusive of rooftop plant, are no higher than the indicative levels shown on the approved indicative elevational drawings. The proposal satisfies the requirements of this condition, as shown in the comparative elevational drawings below. Subsequently, scale and massing are acceptable and it is</p>

the architectural treatment which mainly need to be assessed under this reserved matters application.

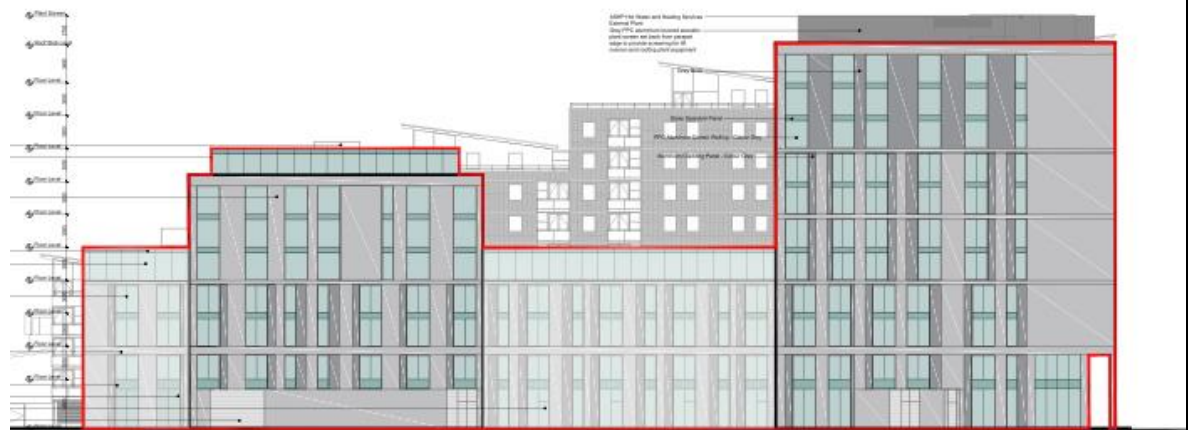
8.9

For comparison, the approved and proposed long elevations are shown below.

Approved Elevation:



Proposed Elevation: (red line indicates the extent of outline approval)



8.10

The proposed building would have a maximum height of approximately 34.9m (11 storeys), 37.6m including rooftop plant, facing onto Wellwood Street. This drops to 16.5m (5 storeys), before rising and dropping again to 25.5m (8 storeys) and 16.5m to the rear of the site backing onto the dwellings in St. Georges Gardens.

8.11

As the building height exceeds 35m, it is considered a 'tall building' for the purposes of Policy DES 3. However as set out above, the general scale, height and massing of the current proposal has been established through the outline approval as illustrated in the comparative elevations above.

Architectural treatment:

8.12

In terms of architectural treatment, the fenestration is vertically emphasised, with an appropriate solid to void ratio for a building of its scale and represents a contemporary style in keeping with the city centre location and the more contemporary apartment block to the west.

8.13	The 'stepping in' of the structure along the long elevations on Glenalpin Street and Norwood Street will assist in breaking up the overall massing and adding to the overall materiality of these long façades.
8.14	<p>Regarding materials, the proposed palette, which is predominantly grey brick, is considered contextually appropriate. The combination of rustic grey brick and aluminium grey panels provide an aesthetically pleasing mix of traditional and modern finish and help compliment the contemporary solid to void ratio and strong vertical emphasis. A condition is recommended to require approval of sample external materials.</p> <p><i>Adaptable and accessible accommodation:</i></p>
8.15	Policy HOU7 states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life.
8.16	Level access and internal arrangement – the main entrance to the development is sheltered and all accommodation in the development is provided with level and lift access for all upper floor residential units. Pathways, entrances, doorways, and halls are wide enough to accommodate a wheelchair and entrances, kitchen, living, dining, bathroom, and bedroom areas have been arranged to ensure that a turning of a wheelchair can be accommodated, as required.
8.17	All units have permanent living space off the kitchen and a bathroom, which can be adapted to provide an accessible shower room if necessary. Adequate built in storage for a wheelchair, and a second wheelchair, have also been accommodated within each unit.
8.18	The applicant has confirmed that the building will be constructed to meet all other regulatory and statutory requirements in terms of accessibility and will meet all DDA requirements.
8.19	Accessibility – the site is located within the city centre, close to the bus/ train station and Transport Hub (currently under construction) and is well served by all forms of public transport. The site is in close proximity to 12 bus stops within a 400m walking distance, and c.550m from the College Square East Glider Halt. Botanic train station is also within walking distance of the site.
8.20	Car Parking – the proposal includes a car park at ground floor level, accommodating 11 parking spaces (inclusive of 2 disabled car parking spaces as indicated on site layout plan/ ground floor plan). This area is accessed via a gently sloping surface, ensuring ease of access.
8.21	Wheelchair Accessible Units – the proposed mix of units has been amended during the application process to provide 10% wheelchair accessible units. The floorspace associated with these units exceeds the requirements of Appendix C of the Plan Strategy.
8.22	<p>In conclusion, it is considered that the design and external appearance of the proposal is acceptable having regard to Policies RD1, DES1, DES2, DES3, HOU6 and HOU7 of the Plan Strategy.</p> <p>Amenity and Open Space Provision</p>
8.23	The proposal has been assessed against Policies OS3 and RD1 (d) of the Plan Strategy, and regional guidance, <i>Creating Places</i> . Amenity space provision is focused at ground floor level, and fifth and eighth floors. An external landscaped area is located along the

	<p>Norwood Street frontage at apartments Nos. 5-8 totalling approximately 100 sqm, and a narrower strip of approximately 35sqm along the Glenalpin Street frontage at apartment Nos. 1-4. These spaces are landscaped and would be considered more visual amenity spaces as opposed to functional/ useable space. The usable external spaces are located within external 'courtyards', at 5th floor and 8th floor level, with areas of approximately 400 sqm and 550 sqm respectively. In addition, there is a dedicated internal amenity area of approximately 250sqm located at the front of the building. It is also worth noting that the ground floor gym has obvious recreational value and has a floor area of approximately 100sqm.</p>
8.24	<p>Therefore, the level of external amenity space provision per unit is approximately 5.3 sqm. When combined with the internal amenity provision, the overall amenity space (including internal and gym) provision is 1,435 sqm, equating to 7 sqm per unit. Although this falls short of the 10sqm minimum requirement set out in 'Creating Places' given the inner urban context of the site, on balance, this level of amenity provision is considered acceptable. Indeed, Creating Places acknowledges that '<i>...the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.</i>' It also advises flexibility in the application of the standards set out in the guidance, recognising that there can be competing issues.</p>
8.25	<p>Policy OS3 of the Plan Strategy requires residential proposals of this scale to delivery a minimum of 10% of the site as open space. No dedicated open space is proposed. Policy OS3 goes onto say that provision less than 10% may be acceptable where:</p> <ul style="list-style-type: none"> • the site is located within a town or city centre; • it is close to and would benefit from ease of access to areas of existing public open space; • or it incorporates the 'Home Zone' concept.
8.26	<p>In this case, the site is within the city centre and benefits from proximity to a variety of open space areas including a playpark at Britannic Terrace (c.393m), Bankmore Square (c.276m) and slightly further, Crescent Gardens (c.550m). Furthermore, no specific requirement for open space was identified at the outline planning permission stage with the proposal consistent with the indicative plans provided with the outline application. Having regard to these considerations, the level of open space is considered acceptable and compliant with Policy OS3.</p> <p>Access and parking</p>
8.27	<p>The proposal includes 11 car parking spaces at ground floor level, two of which are for disabled spaces. This is in keeping with the level of parking approved at outline stage for a notional circa 200 residential units. The proposal is for 205 units.</p>
8.28	<p>This level of parking is considered acceptable given the highly sustainable and accessible location of the site and the applicant's commitments to green travel measures secured at the outline stage through a Section 76 planning agreement. These include a travel plan and provision of subsidised Travel Cards for each resident for three years.</p>
8.29	<p>Dfl Roads has stated that there does not appear to be an adequate number of cycle spaces for this development size indicated (it advises that 51 cycle spaces are required). To avoid a shortfall, Dfl Roads suggests that the applicant considers a two-tier cycle rack facility. Amended Plans are awaited to address this issue along with further dimensions required on footways and parking spaces.</p>

8.30	<p>Dfl Roads has not raised any significant concerns in terms of site layout, parking provision or highway safety. Further technical information has been sought in relation to dimensions of the site layout plan. Subsequently, delegated authority is sought to resolve the issue of satisfactory cycle parking provision and the more minor technical issues. Dfl Roads has confirmed informally that 34 cycle stands should be acceptable, with a two-tier system maximising the internal space. It is acknowledged that it would be difficult to achieve a sufficient amount in that area with the traditional Sheffield Stands.</p>
8.31	<p>Dfl Roads has also acknowledged the dimensions in the drawings, raised as an issue in error previously. However, Dfl Roads has stated that a white line hatching should be shown in the 1.2m 'Safety Zones' along with the disabled logo via white lining. An amended site layout plan has been submitted to address this minor technical issue, with the disabled spaces now demarcated by white hatched lines. Dfl Roads has confirmed informally that this is acceptable. A formal consultation response remains outstanding.</p>
8.32	<p>Subject to Dfl Roads response to the amended plans, it is considered that the proposal complies with Policies TRAN1, TRAN2, TRAN6, TRAN8, TRAN9 and TRAN10.</p>
	<p>Impact on amenity</p>
8.33	<p>The proposal has been assessed against Policies RD1, DES 1 and DES3.</p>
8.34	<p>Policies DES1, DES3 and RD1 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. Amenity issues were assessed at outline stage, with a daylight/ sunlight analysis submitted, and as previously noted, the scale and external fenestration/ openings are almost identical to that approved at outline stage.</p>
8.35	<p>It is considered that the proposed building would have no greater impact on residential amenity than the indicative scheme and parameters set at the outline stage. The proposal would not have a harmful impact on neighbour amenity, by way of overlooking, loss of outlook, sunlight, daylight or overbearing, and is considered acceptable having regard to Policies DES1, DES3 and RD1.</p>
8.36	<p>A design response to policy requirements in relation to communal open space has seen the addition of two external open space courtyards at fifth and eighth floor levels. In order to ensure that residents within the adjacent apartment developments to east and west and housing to south suffer no loss of amenity, a privacy screen (1.8m high obscure glazing barrier) is proposed along the perimeter of these areas. This will ensure that no overlooking of existing apartments will occur.</p>
8.37	<p>BCC Environmental Health (EH) has stated that the issue of noise arising from the use of external amenity areas, particularly where these are communal, has the potential to impact on future occupants of the development itself more so than neighbouring residents. The addition of the glazed barrier while designed to reduce the noise level in the amenity area for future residents would also work to reduce slightly the potential noise breakout from these communal areas. EH has notes that The Irwin Carr Consulting letter of the 5th February 2024 recommends glazed barriers to the fifth and eighth floor external amenity areas and advises that with the barriers in place noise levels in these areas are predicted to be below the WHO upper limit at which it is suggested there is potential for onset of serious annoyance. A condition is recommended requiring the installation of the recommended barriers in line with the specification recommended by the noise consultant.</p>

8.38	<p>In the absence of any conditions on the outline approval relating to noise attenuation, and given that the design was one of the matters reserved, EH has pointed to the other recent planning residential application, albeit for student accommodation, on the same site (LA04/2023/2922/F). Supporting noise impact assessment for that proposal deemed noise mitigation measures necessary on all facades. Subsequently, given the proposed end use, EH have suggested a number of conditions to secure appropriate façade noise mitigation and these are recommended.</p> <p>Climate change</p>
8.39	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce Green House Gases (GHG) by promoting sustainable patterns of development. The policy goes on to state that development proposals should, where feasible seek to avoid demolition and seek to maximise opportunities to incorporate sustainable design features. No demolition is proposed. The development is on a surface level car park.</p>
8.40	<p>The building has been designed and orientated to maximise solar gain with the units predominantly orientated with an east or west facing outlook. Increased insulation depths within cavity walls, along with robust airtightness requirements and high performance glazing will mitigate extremes in weather as well as draughts and leaks. Good natural daylighting will be provided along with natural purge ventilation to each room. Flat roof areas, where feasible, have been utilised for shared external landscaped amenity space, providing areas for rainwater attenuation.</p>
8.41	<p>The applicant has confirmed that the development is targeting BREEAM New Construction 2018 Multi-Residential Very Good accreditation. BREEAM is a third-party sustainability assessment method developed by the Building Research Establishment (BRE).</p>
8.42	<p>BREEAM certification, which is provided by a third party, gives a comprehensive, credible, and independent assessment of a building's sustainability, covering various aspects such as energy use, water consumption, waste management, and ecological impact. Policy DES2 requires Major development proposals to achieve BREEAM "excellent" or comparable standards. On balance, the applicant's commitment to BREEAM Very good rating is considered acceptable and a condition is recommended to ensure this standard, or equivalent, is met.</p>
8.43	<p>Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change to support sustainable and enduring development.</p>
8.44	<p>The applicant has confirmed that the development incorporates durable and robust materials, inclusive of brick, aluminium, and curtain wall glazing. Rooms within the development are predominantly orientated on an east or west facing outlook to minimise heat gains and losses. Increased insulation depths within cavity walls, along with robust airtightness requirements and high-performance glazing will also mitigate extremes in weather as well as draughts and leaks. Natural daylighting will be provided along with natural purge ventilation to each room. Flat roof areas, where feasible, have also been utilised for shared external landscaped amenity space, providing areas where rainwater can be attenuated, and external roofs activated.</p>

8.45	Policy ENV5 states that developments should include, where appropriate, SuDS measures to manage surface water effectively on site. As previously stated, the proposed external landscaped areas on the roof will provide for rainwater attenuation that will hold back the flow of rainwater into the drainage network.
8.46	A further consideration in relation to Policy ENV5 is that the site currently comprises of a surface level car park (entirely hardstanding) and as such, the erection of a building on the site provides the opportunity to capture and manage rainfall directly into the drainage network rather than the current situation. The use of the planting provides an opportunity to reduce the runoff rate and improve on the existing site drainage.
8.47	In addition, Dfl Rivers have considered the content of the Drainage Assessment which details the above and are content that the development appropriately manages drainage from the development into the drainage network and that condition 9 of the outline permission has been met. The development would not be at risk of flooding.
8.48	In conclusion, and on balance, it is considered that the proposal is acceptable, having regard to Policies ENV1, ENV2, ENV3 and ENV5.
	<p>Drainage and Flooding</p>
8.49	The proposal has been assessed against the SPPS and Policy ENV4. Outline approval was granted on condition that a Drainage Assessment was submitted at reserved matters stage. A Drainage Assessment has been provided with the reserved matters application.
8.50	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.
8.51	There are no watercourses within this site. The site may be affected by watercourses of which DFI Rivers has no record of.
8.52	Flood Maps (NI) indicates that portions of the eastern and western boundaries lie within an area of predicted pluvial (localised) flooding. However, these areas are located on the footpath/ roadways around the perimeter of the existing car park, but within the red line of the application site, and should therefore not pose a risk to the proposed building. The Drainage Assessment submitted in support of the application recognises the presence of localised flooding, particularly close to the eastern boundary of the car park and states there may be a requirement for the proposed storm water and attenuation system to take account of this.
8.53	This attenuation will be provided by the installation of enlarged concrete drainage pipes around the periphery of the building with an extra 3 sqm of attenuation included to mitigate the localised flooding along the eastern boundary.
8.54	Dfl Rivers has reviewed the Drainage Assessment and whilst 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.
8.55	Given the advice from Dfl Rivers, issues relating to flood risk and the drainage proposals are considered acceptable and there would be no unacceptable flood risk. The proposal is compliant with Policy ENV4.

<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the reserved matters are considered acceptable. It is therefore recommended that the reserved matters are approved.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to resolution of the outstanding issues raised by DfI Roads, and deal with any other matters that arise, provided that they are not substantive.</p>
<p>10.0</p>	<p>DRAFT CONDITIONS</p> <p>1. The development hereby approved shall not be occupied until the external and internal amenity areas have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times.</p> <p>Reason: To ensure that a quality residential environment is provided for occupants of the approved development.</p> <p>2. No external brickwork or facing materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>3. Prior to installation of window units within the hereby permitted development, a final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be accompanied by an updated noise impact assessment demonstrating how the proposed specification will achieve suitable internal noise levels in line with BS8233:2014 Guidance on the Sound Insulation and Noise Reduction for Buildings. The windows shall not be installed unless in accordance with the approved details.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>4. Prior to installation of any alternative means of ventilation, an updated noise impact assessment confirming the specification of the alternative means of ventilation to serve habitable rooms shall be submitted to and approved in writing by the Council. 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. The alternative means of ventilation shall not be installed unless in accordance with the approved details.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p>

5. Prior to occupation of the development hereby permitted, verification that the windows specification as per the approved schedule and alternative means of ventilation as approved have been installed (in addition to that provided by open windows) shall be submitted to the Council by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: To safeguard the amenity of occupants against adverse noise impact.

6. The separating walls and floors between the habitable rooms and the development gym, plant rooms and laundry rooms shall be constructed of at least 200mm concrete in accordance with the recommendation contained within Section 2.3.3 of the from the Irwin Carr Consulting letter, dated 12 September 2023 to ensure that internal noise levels within the habitable rooms are in accordance with BS 8233:2014 Guidance on the Sound Insulation and Noise Reduction for Buildings.

Prior to occupation of the development hereby permitted, verification that these requirements have been met shall be submitted to the Council by way of a written declaration from the supplier and installation contractor confirming such construction.

Reason: To safeguard the amenity of occupants against adverse noise impact.

7. Prior to occupation of the hereby permitted development, vibration isolation mounts shall be installed to all air source heat pumps and retained at all times.

Reason: To safeguard the amenity of occupants against adverse noise impact.

8. That the rating level (dBLAr,T) from the operation of all combined plant and equipment does not exceed the representative daytime and night-time background noise respectively at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: To safeguard the amenity of occupants against adverse noise impact.

10. The development hereby permitted shall not be occupied until details of an obscured glazed barrier, with no gaps between panels, and constructed to a height of 1.8m and a minimum surface mass of 15mg/m² on the fifth and eight floor external amenity areas have been submitted to and approved in writing by the Council. The details of the obscured glazed barrier shall accord with the recommendations in the Irwin Carr Consulting letter dated the 5th February 2024, published on the planning portal dated the 9th February 2024 and in accordance with the Like Architects drawing no.2 rev D, titled: 'Proposed elevation A-A and B-B', dated Jan 2024. The development shall not be occupied unless the approved obscured glazed barrier is in place and it shall remain in situ in accordance with the requirements of this condition at all times.

Reason: To safeguard the amenity of occupants against adverse noise impact.

11. Within one year of the occupation, evidence that the building has been constructed to at least BREEAM Very Good standard, or equivalent, shall be submitted in writing to the Council.

Reason: To ensure that the development mitigates and adapts to climate change.

	NOTE – transport related conditions to be added following final consultation response from DfI Roads
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