

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 17 May 2022	Application ID: LA04/2021/2893/F
Proposal: Erection of 12 no. storey Purpose Built Managed Student Accommodation (PBMSA), with additional use of accommodation by further or higher education institutions outside term time, comprising 774 beds with shared sports and recreation facilities (amendment to previous permission LA04/2016/1252/F `Purpose built managed student accommodation (774 beds). Maximum height of 12 storeys and varied by LA04/2017/2112/F `Variation of condition 7 of LA04/2016/1252/F). Site bounded by Little York Street Great George's Street and Nelson Street Belfast	Location: Site bounded by Little York Street, Great George's Street and Nelson Street, Belfast
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: PBSA Nelson Street SARL	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<p>Executive Summary: The application seeks full planning permission for the erection of a 12 no. storey Purpose Built Managed Student Accommodation (PBMSA), with additional use of accommodation by further or higher education institutions outside term time, comprising 774 beds with shared sports and recreation facilities (amendment to previous permission LA04/2016/1252/F `Purpose built managed student accommodation (774 beds).</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of redevelopment - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of Leisure Complex at this location - Scale, Massing and Design - Open Space Provision - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise - Drainage and Flooding - Waste Management - Other Environmental Matters - Impact on Protected Sites 	

- Pre-application Community Consultation
- Developer Contributions

The principle of Managed Student Accommodation has been established on the site through the extant approval LA04/2016/1252/F. The scale and massing of the scheme are virtually identical with the main difference being the introduction of an internally located, purpose-built leisure facility located where the external courtyards were previously approved.

The overall level of amenity provision is slightly less than previously approved however this is outweighed by the quality of the recreational facilities on offer, and the elevated roof terrace which will experience less overshadowing than the approved courtyard. Although located adjacent to existing student accommodation block, given the orientation of the buildings, it is not anticipated that the internal leisure complex will impact significantly on amenity or enjoyment of the outdoor spaces, in what are already enclosed, north facing courtyards.

The design, although altered, retains the character of the previous approval, with finishes in keeping with the area and adjacent buildings.

The site is ideally located to serve both Queens University and the newly constructed University of Ulster complex.

DFI Roads – Approval subject to conditions
DAERA – Approval subject to conditions
Rivers Agency – No objections
Belfast City Airport – No objection
Shared Environmental Services – No objection

Non-Statutory consultations
Environmental Health – Approval subject to conditions
Building Control – No objections

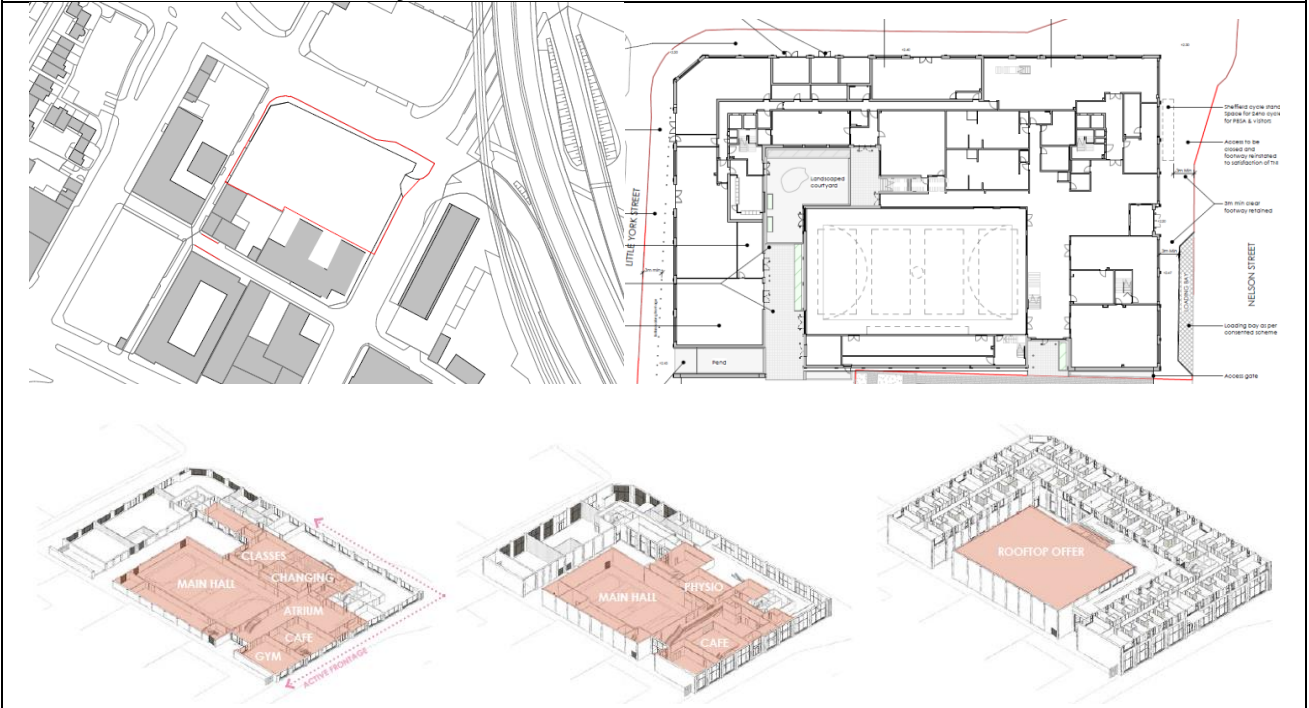
No third party objections received

The officer recommendation is to approve planning permission subject to conditions and a Section 76 planning agreement to secure: the management of the student accommodation; control to the use as out-of-term accommodation; control the use of the proposed leisure facilities; and to secure community apprenticeships.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 Agreement subject to no substantive issues being raised by third parties.

Case Officer Report

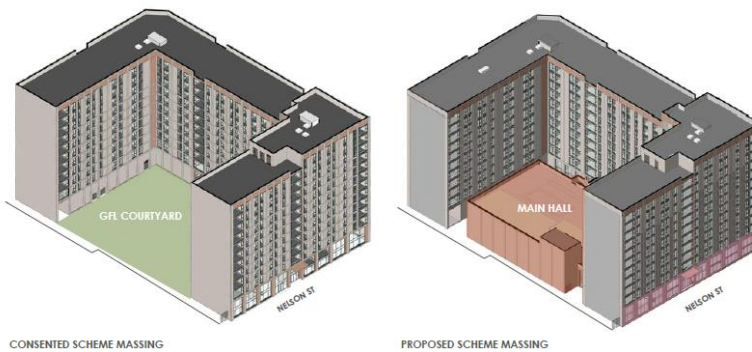
Site Location Plan and layout



1.0 Description of Proposed Development

1.1 12 storey purpose built student accommodation block with internal leisure complex. The building includes 774 units with ground floor gym and café. The rooms range in sizes and are served by communal kitchen/ recreation spaces. The building has a main shoulder height of 39m, 40m including plant.

1.2 The ground floor will include a shared sports and recreational facility located centrally within the site. This will replace a previously approved courtyard (as shown in the massing diagram below). The facilities will be available for use by students and staff of the adjacent further educational institution either working or studying at the nearby university or residing in the existing PBMSA schemes in the York Street / Nelson Street area.



1.3 Permission is also sought for the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.

2.0	Description of Site
2.1	Brownfield site located on the northern periphery of the city centre enclosed by roads to the north, west and east with a new student accommodation block abutting the site to the south.
2.2	The site is relative flat and has an area of approximately 0.48Ha.
2.3	The following zonings apply to the site: <ul style="list-style-type: none"> - Belfast Urban Area Plan – unzoned whiteland - Draft Belfast Metropolitan Area Plan (2004) – Social Housing Zoning - Draft Belfast Metropolitan Area Plan (2015) – Social Housing Zoning CC04/02
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	Ref: LA04/2016/1252/F Proposal: Purpose built managed student accommodation (774 beds). Maximum height of 12 storeys Address: Site bounded by Little York Street, Great George's Street and Nelson Street, Belfast. Decision: Approval Decision Date: 24.01.2017
3.2	Ref: Z/2008/0824/F Proposal: Construction of 238 No. 1bed and 2 bed apartments with 200 No. parking spaces on ground and first floor levels with elevated landscaped central courtyard. (Amended Plans) Address: Site bounded by Little York Street, Great George Street and Nelson Street, Belfast. Decision: Approval Decision Date: 17.10.2014
3.3	Ref: Z/2012/0352/O (Appeal Ref 2012/A0079) Proposal: Apartment development of 217 units Address: Site bounded by Little York Street, Great Georges Street and Nelson Street, Belfast Decision: Approval (Appeal Upheld) Appeal Decision Date: 22.05.2013
3.4	Ref: LA04/2017/1642/NMC Proposal: Non Material Change to LA04/2016/1252/F Address: Site bounded by, Little York Street, Great Georges Street, and Nelson Street, Belfast. Decision: Refused Decision Date: 12.09.2017
3.5	Ref: LA04/2017/2084/NMC Proposal: NMC to LA04/2016/1252/F Address: Site bounded by Little York Street, Great George's Street and Nelson Street, Belfast. Decision: Granted Decision Date: 11.10.2017
3.6	Ref: LA04/2017/0858/NMC Proposal: Non material change to LA04/2016/1252/F

3.7	<p>Address: Site Bounded By, Little York Street, Great Georges Street, And Nelson Street, Belfast. Decision: Refused 23.05.2017 Decision Date:</p> <p>Ref: Z/2004/0714/F Proposal: Redevelopment of site to provide housing comprising of 48 apartments and 18 terraced houses. Address: 42/46 Great George's Street and 22/46 Nelson Street, Belfast, BT15 1BP Decision: Decision Date: 26.01.2006</p>
3.8	<p>Ref: LA04/2015/0716/F Proposal: Erection of a 11 storey building for managed 354 student accommodation studios with shared communal areas; external courtyard; other ancillary accommodation including a reception/management suite and communal areas; plants and storage areas; cycle provision Address: 26-44 Little Patrick Street, Belfast, BT15, Decision: Approval Decision Date: 17.10.2016</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Draft Belfast Local Development Plan Strategy (Draft LDP) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area'</p>
4.2	<p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk HMO Subject Plan 2015 Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note Belfast: A Framework for student housing and purpose built student accommodation Creating Places</p>
5.0	<p>Statutory Consultees DFI Roads – Approval subject to conditions DAERA – Approval subject to conditions Rivers Agency – No objections Belfast City Airport – No objection Shared Environmental Services – No objection</p>
6.0	<p>Non-Statutory Consultees Environmental Health BCC – Approval subject to conditions Building Control – No objection</p>
7.0	<p>Representations - No third party representations received</p>
8.0	<p>Other Material Considerations The Belfast Agenda</p>
9.0	Assessment

9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of redevelopment - Principle of Student Accommodation - Principle of proposed 'out of term' accommodation - Principle of Leisure Complex at this location - Scale, Massing and Design - Open Space Provision - Traffic and Parking - Impact on Amenity - Contamination - Impact on Air Quality - Noise - Drainage and Flooding - Waste Management - Other Environmental Matters - Impact on Protected Sites - Pre-application Community Consultation - Developer Contributions
9.2	<p>Principle of Development</p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p>
9.3	<p>Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p>
9.4	<p>Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p>
9.5	<p><i>Belfast Urban Area Plan (BUAP)</i></p> <p>The site is located on unzoned whiteland within the development limits of Belfast.</p>
9.6	<p><i>Draft BMAP (v2004 and v2014) designations</i></p> <p>In both versions of the draft Belfast Metropolitan Area Plan (v2014) the site lies within a social housing zoning . However the principle of student accommodation has been established on this site through extant planning approval LA04/2016/1252/F, approved 24th January 2017. The justification for this approval on the housing zoning, included the planning history on the site, which included an outline approval for 217 apartments in May 2013.</p>
9.7	<p><i>Draft Belfast Local Development Plan Strategy (Draft LDP)</i></p> <p>The recently published draft Belfast Local Development Plan Strategy includes strategic policies relevant to the proposal such as the Tall Buildings Policy, which will apply to buildings taller than 35m. It does not include site specific requirements and is currently</p>

	<p>subject to public consultation. Accordingly, little weight can be attributed to its policies, as they may be subject to revision following consultation and independent examination. In any case the principle of a tall building has been established on the site.</p>
9.8	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPSS.</p>
	<p>Principle of Student Accommodation</p>
9.9	<p>The principle of student accommodation has been established on site through previous approval LA04/2016/1252/F. This permission is extant as development has commenced on the site.</p>
9.10	<p>Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating: Planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:</p>
9.11	<ul style="list-style-type: none"> • <i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i> <p>The proposal is for 774 beds. Therefore this criteria is met.</p>
9.12	<ul style="list-style-type: none"> • <i>All units are self-contained (i.e. having a bathroom, w.c and kitchen available for use by the occupiers).</i> <p>Not all units are self-contained with many rooms having no kitchen. However this is off set with the provision of communal kitchen and common room areas, located evenly around each floor and within a short distance of any of the smaller single bed rooms.</p>
9.13	<ul style="list-style-type: none"> • <i>The location is not within a primarily residential area uses.</i> <p>The site is located within the city centre off a main arterial route. The site is located a short distance from the wider Carrick Hill area, located to the other side of York Street. Whilst the site is not within a primarily residential area, when assessing the use as PBMSA located in proximity to a residential area, it is necessary to ensure there is no undue impact on amenity for existing residents. Environmental Health have no objections in terms of any potential impact on the nearest residential properties.</p>
9.14	<ul style="list-style-type: none"> • <i>Provision is made for management of all accommodation. This may require an Article 40 agreement with Belfast City Council (Section 76 under the Planning Act (Northern Ireland 2015))</i> <p>A Student Management Plan has been submitted in support of the application. There are numerous procedures set out to ensure:</p> <ul style="list-style-type: none"> - Reception Services - Tenancy Management System - Online Tenancy Handbook to provide guidance - Management Plan for external spaces with controlled access - Secured controlled access (fobs/ cards) - CCTV

	<ul style="list-style-type: none"> - On-site maintenance - Management of anti-social behaviour - Complaints procedure - Liaison with local bodies
9.15	<p>Environmental Health Service was consulted and notes the submission of a Management Plan and is satisfied with the information provided in the submitted Management Plan and the commitment presented to address potential noise and anti-social behaviour. The Management of the scheme will be secured via a Section 76 Agreement. An Agreement has been submitted for approval prior the granting of planning permission. Management arrangements will be written into this agreement.</p>
9.16	<ul style="list-style-type: none"> • <i>Landscaping and amenity space is provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i> <p>The previously approved internal landscaped courtyard is being replaced by the internal leisure facility, which includes an internal sports hall and external amenity areas on its roof. The recreational value of this facility must be weighed up against the loss of the external amenity areas. On balance it is considered that the proposed facilities would be of significant benefit to the students on and off site and thus the provision of external landscaped areas is not deemed to be essential. In addition, by raising the external amenity to first floor level and onto the main hall roof, the areas within the courtyard will experience less overshadowing by the building and the existing student block to the south</p>
9.17	<p>Internal amenity spaces have been provided in the form of a 'sky lounge' on the 11th floor (circa 100 sqm), and 'social' amenity areas on the ground floor and mezzanine floor, totalling approximately 680 sqm.</p>
9.18	<p>The proposal has also been assessed against the Council's document 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'. This document is the Council's first step as a planning authority to respond to the Strategic Planning Policy Statement's (SPPS) stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy it is a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to:</p>
9.19	<ul style="list-style-type: none"> <i>A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes;</i> <i>B. Policy designations specific to the City Centre;</i> <i>C. Layout, design and facilities provided within the development are of high standards;</i> <i>D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area;</i> <i>E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and</i> <i>F. The development meets and identified need for the type of accommodation proposed.</i>
9.20	<p><u>Criteria (a)</u></p> <p>As stated, the principle of student accommodation has been established on the site. In regard to the first criterion the site lies approximately 200m NE of the new University of Ulster campus and approximately 0.85km NE of the Belfast Metropolitan College (Millfield) both within a 10-20 minute walking distance. The site is within 3km of the Queens University Complex. Bus stops are located within 100m of the site with buses operating</p>

	<p>every 10 minutes during peak times. The Europa Bus and Rail centre is within 20 minutes walking distance south of the site. The complex is ideally located within the city centre and complies with criterion (a).</p>
9.21	<p><u>Criterion (b)</u> Requires the need to assess the proposal in relation to policy designations specific to the city centre. As stated above the principle of student accommodation has been established on the site through the previous approval LA04/2016/1252/F.</p>
9.22	<p><u>Criterion (c)</u> As stated above the proposal is in keeping with the existing built form in the area in terms of design and finishes, taking a cue from the more established buildings in the area and the newly constructed and approved student blocks. In terms of the specified space standards the smallest units (bronze) have a floor area of 14sqm with the larger rooms (gold) having an area of 17.5 sqm, both above the 9 square metres standard for 1-2 person rooms.</p>
9.23	<p><u>Criterion (d)</u> The impact on amenity, particularly on the established student block to the south, will be discussed in detail below under 'Impact on amenity'.</p>
9.24	<p><u>Criterion (e)</u> Requires that the development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. A management plan, prepared by Fresh Property Group, has been submitted in support of the planning application. This plan sets out a number of procedures to manage student behaviour and protect residential amenity. These include:</p> <ul style="list-style-type: none"> - Reception Services - An on-site management team to be put in place - Management of anti-social behaviour (4 tier escalation process) - Secured controlled access (fobs/ cards) - On-site maintenance - Complaints procedure
9.25	<p>As stated above a Section 76 Agreement will also be agreed prior to the granting of planning permission. A management arrangement will be written into this agreement, and its implementation secured.</p>
9.26	<p><u>Criterion (f)</u> The need for the proposed development in this location has been established and accepted by the Council.</p>
9.27	<p>Principle of proposed 'out of term' accommodation The proposal also includes the use of the development to be used as short-stay accommodation outside the traditional term times for Further or Higher Education Institution Staff or for individuals attending events hosted by a further or higher education institution.</p>
9.28	<p>This proposed use will contribute towards the viability of the scheme and will be subservient to the main function to provide accommodation for students. It is proposed to restrict this use to those associated with Further and Higher Education Institutions through the Section 76 Agreement. In light of the above the proposed ancillary use as out of term accommodation is considered acceptable.</p>

9.29	<p>Principle of Leisure complex at this location</p> <p>The proposed leisure complex located internally within the previously approved courtyard has been assessed against Policy OS4 of Planning Policy Statement 8. In all cases the development of intensive sports facilities will be required to meet all the following criteria:</p> <ul style="list-style-type: none"> • <i>there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;</i> This will be discussed in detail below under 'Impact on amenity'. • <i>there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;</i> No such features are affected by the internally located leisure complex. • <i>buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;</i> Given the buildings location on a previously approved internal courtyard there will be limited public views of the building, which also abuts a high rise student block to the south. • <i>the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport;</i> An internal lift provides access to first floor amenity areas. As stated above the building is located within close proximity to the public transport network. • <i>the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.</i> DFI Roads has offered no objections to the proposal subject to conditions. Bins to be presented on the Little York Street elevation for collection on the allocated uplift days. This location keeps the bin service vehicles away from the front door of the development. Servicing will be managed and controlled by the management company.
9.30	<p>Scale, Massing and Design</p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The scale and massing of the main building is virtually identical to that approved under LA04/2016/1252/F. The additional massing on the site has been created by the introduction of the internal leisure complex.</p>
9.31	<p>The proposed building has a total height of approximately 40m including plant. The new internal leisure building has a maximum height of approximately 11m stepping down to approximately 7m to the easy onto external rooftop amenity areas.</p>
9.32	<p>The consented scheme includes a mix of brick, metal cladding and glass. The overall mass of the development is broken down by bays of inset fenestration that suggest several, linked urban blocks. This is shown on the elevation below on the left;</p>

Approved main elevation



Proposed main elevation

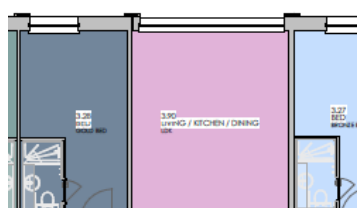


9.33 The proposal has a more solid appearance with the inset bays of glazing being less obvious, however these vertical glazed elements remain and this helps retain the overall architectural principle and character of the approval, breaking up what is quite a solid form. The solid: void ratio remains virtually the same. The fenestration reveal on the three predominant glazed columns are more obvious on the approved scheme but the difference is much more subtle than the shadowing on the above elevation would suggest, as shown on the approved and proposed plans below:

Approved



Proposed



9.34 Large format glazing at ground and first floor level are framed in cladding to establish a rhythm of bay's on key elevations. A red multi brick is retained as part of the material palette and references the areas industrial heritage.

9.35 The sports/ recreational complex replicates the proposed materials on the main building with the use of columns and bays to define external spaces.

9.36 In terms of finishes the subtle tonal variations in the brick will help avoid an overly uniform, engineered appearance. The window framing, panelling (with vertical fins) and spandrel panels will contrast with the red brick as is the case on a number of adjacent buildings. The vertical fins within the panelling will add further depth and visual interest to these sections of the facades.

Open Space Provision

9.37 The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.

9.38 The previously approved ground floor courtyard (circa 1600 sqm) has been replaced by the proposed leisure facility. However, the development still proposes designated internal amenity spaces at ground, first and 11th storey levels. A combined total of approximately 780 sqm of amenity space is provided. The previously approved internal amenity space amounted to approximately 544 sqm.

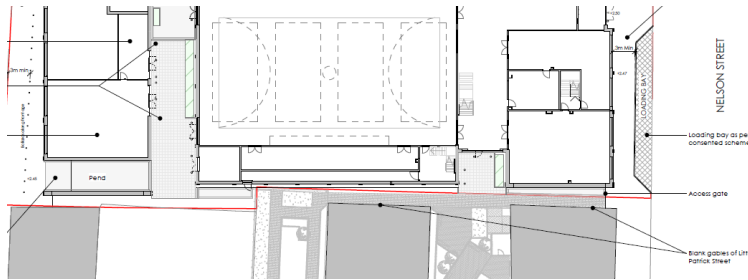
9.39 Although there is a loss of external amenity space, this must be weighed up against the recreational facilities being provided for the students on site, as well as the proposed external terraces associated with the redevelopment of this central area. The

	development is delivering a dedicated recreational facility that the applicant will provide and maintain. This enhances the overall amenity offer available to students in the proposed development, increasing their access to an exercise facility and ultimately enhancing health and well-being for all users.
9.40	There is also an elevated rooftop terraced provided, providing a total amenity space of approximately 850 sqm. Other external amenity areas include a first floor hard standing area totalling approximately 200 sqm, and a ground floor landscaped courtyard with an area of approximately 140 sqm. The total amount of external amenity space equates to approximately 1,200 sqm.
9.41	The internal and external open space/ amenity areas total approximately 1,970 sqm, providing approximately 2.8 sqm of amenity space per unit. This is some distance short of the 10sqm per unit requirement in 'Creating Places' however it is in keeping with the level of provision on the approved scheme (2,144 sqm), and given the sites inner city context, the provision of the on-site leisure complex, and the communal dining areas this level of provision is found to be acceptable.
	Traffic and Parking
9.42	The proposal does not include any proposed parking. As stated previously the recreation facilities will not be open to the general public and it is anticipated that users of the facilities will be studying at the adjacent university or residing in the PBSA schemes in the York Street / Nelson Street area. As such, visitors to the facilities will walk or cycle rather than drive.
9.43	A Travel Plan has been included within the submission which demonstrates that the site is well served by existing pedestrian, cycling and public transport facilities. The city centre is a well-served by public transport. The City's main transport hub (Europa Bus centre and Great Victoria Street Train Station) is located less than 1km from the site with numerous services, both bus and rail, providing connections to the rest of the country. The site is also located within acceptable walking distance of Belfast City Hall and therefore the main arrival / departure terminal for all Metro and BRT Glider services. The nearest bus stops to the site are located on Nelson Street, York Street and Great Patrick Street.
9.44	The development site is located one street over from the high frequency corridor for Metro service 2, which connects the city centre to Fairview Road, Monkstown, Jordanstown and Yorkgate Train Station. The proposed development will benefit from a service with a frequency of every 5-10 minutes.
9.45	Yorkgate Train Station is located approximately 0.5 miles (approximately 10-minute walk) to the northeast of the site. It is served by approximately 5 northbound services in the morning peak and 7 in the evening peak, and up to 7 southbound services in the morning peak and 4 in the evening.
9.46	The proposal includes for 20no. cycle spaces within the courtyard, 164no. within the internal bicycle store and 24no. cycle spaces on Nelson Street. Servicing of the proposed development will take place from Little York Street. Bins to be presented on the Little York Street elevation for collection on the allocated uplift days and then once collected the bins will be returned to the bin stores. This location keeps the bin service vehicles away from the front door of the development. Servicing will be managed and controlled by the management company.

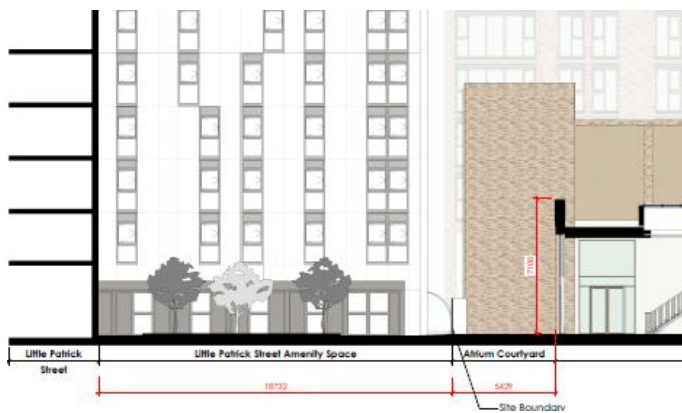
9.47 DFI Roads has offered no objections subject to conditions which are detailed below. This includes complying with recommendations set out in the Travel Plan.

Impact on amenity

9.48 The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built form such as that proposed will inevitably have an impact on properties within the vicinity of the site, particularly the existing student accommodation block abutting the site to the south, located off Little Patrick Street.

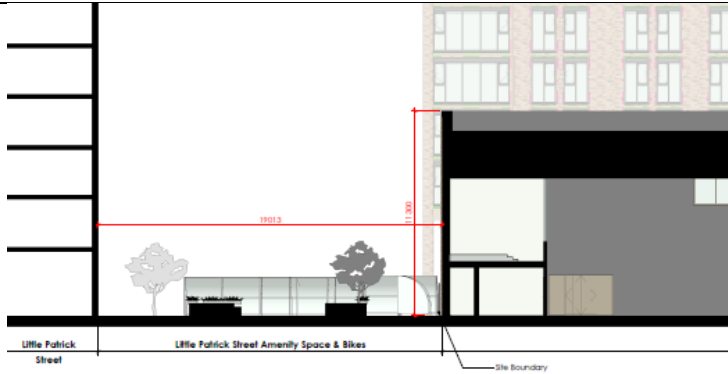


9.49 The existing courtyard to the south (right hand side) on the plan above will be affected by the proposal but some relief will be provided in the setback, with the building (7m high) set approximately 5.5m from the site boundary. This relationship is indicated on the section below. Given the set-back, the fact it is the lower part of the building adjacent to the courtyard (labelled Little Patrick Street Amenity Space) and the courtyard is north facing there will not be any significant loss of light. There will be some impact in terms of outlook but it must be considered that a 2m high fence borders both existing courtyards at the minute. Any further impact will not be significant.



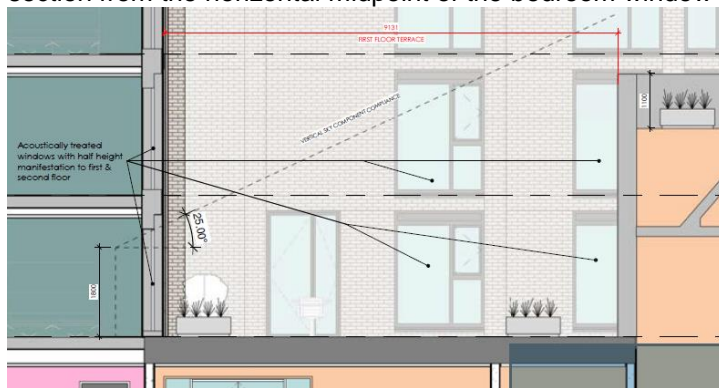
9.50 In terms of the impact on the habitable rooms facing north towards the new leisure facility a separation distance of approximately 24m should ensure there is no significant impact on outlook. And as stated previously given the orientation of the building, these north facing room should not experience any significant loss of light.

9.51 The proposal will also impact on the courtyard to the left hand side, and given the height of the leisure facility adjacent to this courtyard the impact will arguably be greater. Although the higher part of the proposed building, at 11.3m, is located a short distance from this courtyard (as shown in the section below), the courtyard is currently open to the west. Given the orientation of the buildings there should be no significant loss of sunlight as the courtyard will spend most of the day in shadow in any case, with some relief currently provided by the fact it is open on one side (west). In terms of the impact on habitable room a generous separation distance of approximately 19m will ensure there will be no unduly significant overdominance experienced in the north facing rooms.

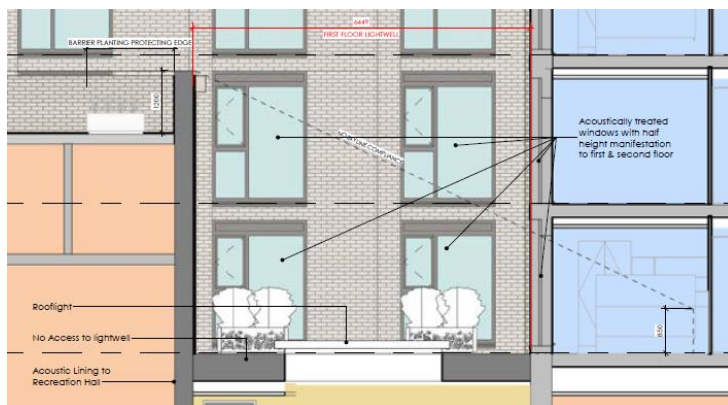


9.52 Not only is it important to consider the impact on the amenity of the existing block to the south, the addition of the leisure complex on previously approved open space will also have implications of the amenity of the centrally facing habitable rooms within the main building.

9.53 Where the main hall affects south facing bedrooms, located approximately 9m away, the amount of daylight reaching each room can be measured using the Vertical Sky Component (VSC). BRE recommends that this must be more than 27% or 0.8 of its maximum value. As is illustrated in the section below, 27% is achieved where the main hall does not raise above a 25deg line drawn in section from the horizontal midpoint of the bedroom window (notionally shown as 1.8m).



9.54 Where the main hall affects east / west facing bedrooms, located approximately 6.5m away, the 'No Skyline' measure have been adopted and used to illustrate that direct sunlight can penetrate at least halfway into rooms at the working plane of 0.85m. This is on the basis that each bedroom has a window that is at least 25% of the external wall area. The relationship is shown in the section detail below.



9.55 Cumulatively, with the recreational value of facility proposed, defensible and non-accessible areas in close proximity to habitable rooms, the elevated rooftop amenity

	space, and the separation of the new leisure block from proposed rooms there has been a balance struck in terms of respecting the privacy and amenity of prospective occupants.
9.56	Management procedures will also be in place to ensure external spaces are not used for sports or gathering from certain times in the evening thus safeguarding residents of bedrooms in close proximity of these areas.
9.57	In terms of the noise and disturbance Environmental Health Department has reviewed the Student Roost Management Plan for Nelson Street Belfast, BT151B, dated 1 st December 2021, V3. It also noted a supplementary management plan specifically to deal with the use of the access, use, management and supervision of the external amenity areas.
9.58	Environmental Health is satisfied with the content of the submitted plan and the commitment presented to address potential noise and anti-social behaviour. It will clearly be in the interests of the developer to ensure delivery of the Management Plan to protect its own occupants who stand to be potentially most impacted by the behaviour of the resident students. The provision of dedicated amenity areas on site should ensure future occupants are not permitted to loiter on the street outside the development in groups where disturbance of neighbouring residents could occur, particularly at night. The implementation of the management plan will be secured through a Section 76 Agreement.
	Contamination
9.59	The environmental consultants RSK have undertaken a further site investigation, with additional soil and groundwater sampling and ground gas monitoring completed. No risks to human health from groundwater have been identified. The ground gas monitoring completed on the site (2009 and 2021) has been used to classify the site as Characteristic Situation 1, meaning that no special ground gas protection measures are required within the proposed development.
9.60	Similar contaminants to those previously identified on the site have been identified in soils. RSK have subsequently proposed that an appropriate source of material be identified for use in these areas.
9.61	Therefore, on the basis of the information submitted Environmental Health has requested that a condition is attached to demonstrate the successful completion of remediation works and that the site is now fit for end-use. This condition is detailed below.
	Impact on Air Quality
9.62	It was advised by the acoustic consultant that a revision to the previously submitted Air Quality Impact Assessment was not required. It is noted by the Environmental Health Department that Air to Water Heat pumps are also able to heat storage tanks and tap water, meaning that combustion plant may not be required. It is further noted by this Service from the floor plans that a number of communal living, kitchen and dining areas are to be provided on each residential floor. Environmental Health has however requested that a condition is attached ensuring that in the event that any centralised combustion sources (boilers, CHP or biomass) are proposed an Air Quality Impact Assessment is submitted to the Council for approval.
9.63	Regarding the revised Transport Assessment Form, AONA Environmental advised that there are no fundamental changes to the traffic flows in the new TAF and that there remains no car parking on site, with all new trips to be undertaken by walking, based on the fact that the proposal is for the student population adjacent to the new University of Ulster.

9.64	<p>Environmental Health has advised that it is able to accept AONA Environmental' s October 2021 Air Quality Impact Assessment conclusions that ambient pollutant levels in proximity to the proposed development site are within UK and EU objective levels for nitrogen dioxide (NO2) and particulate matter (PM10) and as a consequence, no operational phase air quality mitigation measures are proposed. Environmental Health Department therefore have no ambient air quality concerns.</p>
9.65	<p>Noise Environmental Health previously provided comment upon review of the AONA Consulting Ltd Noise Impact Assessment.</p>
9.66	<p>Having reviewed the most recent reports it is advised that the information submitted demonstrates that with suitable mitigation in place that the development will be acceptable in principle with regard to potential noise impact on future occupants.</p>
9.67	<p>The AONA noise impact assessment has made recommendations on necessary sound reduction specifications for glazing on all facades to ensure future occupants are protected against adverse noise impact associated with elevated road traffic noise in the area.</p>
9.68	<p>Some examples of the type of window/gazing products that are commercially available are provided within the noise impact assessment for information. Environmental Health consider it appropriate to recommend a condition that the final window schedule be submitted to planning service for review and approval prior to installation. The condition is detailed below.</p>
9.69	<p>The reports clarify that the developer proposes to install alternative means of mechanical ventilation throughout the development to ensure that future occupants do not need to rely upon an open window for sufficient background ventilation; however, occupants will still have the option to open windows as they choose for the purpose of short-term purge/rapid ventilation. T</p>
9.70	<p>Details of the alternative means of mechanical ventilation have not been submitted at this stage and will not be finalised until detailed design stage, according to the acoustic consultant.</p>
9.71	<p>It is expected full and final details of the window specification and schedule as well as the noise specification for the alternative means of mechanical ventilation will be finalised at detailed design stage; in view of this and the lack of detail around the proposed ventilation scheme, Environmental Health has recommended conditions requiring approval of the final window scheduled and confirmation of the specification for the ventilation system prior to installation to ensure sufficient understanding of the recommendations made within the noise impact assessment and to ensure any potential design changes that may affect glazing area and room dimensions have been considered. The condition is detailed below.</p>
9.72	<p>Drainage and Flooding The proposal has been assessed against Policies FLD1 and FLD3 of PPS15. The Flood Maps (NI) indicates that the development site lies within a 1 in 200 year coastal flood plain.</p>
9.73	<p>As such, development within these areas is contrary to PPS 15, Planning and Flood Risk, FLD 1 and will not be permitted unless the proposal is deemed an exception to policy, through meeting one of the list of exceptions laid-out under the exceptions heading of</p>

	FLD 1, or it is deemed a proposal of overriding regional or sub-regional economic importance by the Planning Authority.
9.74	Dfl Rivers PAMU acknowledge that this site was granted an exception to policy FLD 1 by the Council as stated on the consultation letter dated 8 March 2022. The Council confirm that this exception would still apply. There is also an extant permission on the site, so the principle of redevelopment has been established.
9.75	Dfl Rivers, while not being responsible for the preparation of the Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.
	Waste Management
9.76	Belfast City Council has specific guidance on the design and management of waste for PBMSA developments. This ensures efficient collections and maximises recycling. Developers of PBMSA are expected to follow this guidance to provide enough space for waste storage and to ensure that tenants recycle effectively.
9.77	In liaison with the Council's Waste management team, an estimated waste output has been calculated to inform the bin and recycling provision. As stated in the supporting planning statement the strategy can be summarised as follows: <ul style="list-style-type: none"> • Residents are responsible for collection of their own waste and depositing it in either of two bin stores • Each bin store is within 30m of the principal entrance of each flat via a single stair or lift • Recycling and waste is to be overseen by the PBMSA operator with bins presented for collection on their respective days, in agreement with Belfast City Council. Bins are to be returned to stores the same day by a PBMSA team member • Bins are to be presented for collection on Little York Street. • Existing arrangements exist for waste collection on 123 York Street. It has been proposed that refuse vehicles will stop on Little York Street on alternate days to collect waste and recycling at a frequency to be agreed with the Waste Management team.
	Other Environmental Matters
9.78	Environmental Health has reviewed the Construction Environmental Management Plan (CEMP) and acknowledge that the appointed contractor has engaged well previously with residents and other relevant stakeholders.
9.79	Environmental Health has liaised with the contractor around the setting of vibration limits for piling activity particularly with regard to preventing adverse impact on amenity of nearby sensitive premises. The CEMP has been amended to confirm that the type of piling to be employed on site which will be continuous flight auger piling. In terms of the potential for adverse impact on nearby amenity a vibration limit has been set for onset of significant observed adverse effect level of 2.5mm/sec ppv. Arrangements have been put in place to monitor vibration throughout the piling phase and if these trigger limits are exceeded, the CEMP advises that a review of working methods and controls will be conducted. A condition is recommended to ensure construction is carried out in accordance with the agreed CEMP, this is detailed below.
9.80	NIEA Water Management Unit has noted the submission of an Outline Construction Environmental Management Plan (CEMP) and Method Statement on 12th January 2022. Due to the proximity to watercourses Water Management Unit require further detail in the CEMP and method statement to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. This information informed a recommended condition, as detailed below, seeking the submission of a final Construction Environmental Management Plan once a contractor

	<p>has been appointed. A further Plan was submitted in an attempt to negate the requirement for such a condition but in light of additional information still be required, as confirmed by NIEA in response to the submission, the condition still stands and is detailed below.</p>
9.81	<p>Impact on Protected Sites</p> <p>Shared Environmental Services has confirmed that having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.</p>
9.82	<p>Stage one assessment has concluded that based on the nature of the proposal and the identified environmental pathway, there will be no significant effects that are contrary to the conservation objectives of any European site features. The hydrological distance and significant dilution/dispersion factors mean that any release of contaminants during a significant flood event could not negatively impact site selection features.</p>
9.83	<p>Pre-application Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.84	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2021/2176/PAN) was submitted to the Council on 17th September 2021.</p>
9.85	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.86	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> - In the absence of a public event being held in the locality of the proposed development due to Covid-19 restrictions, an online webinar was held via Zoom on 3rd November 2021 at 6pm. - A consultation website was launched on 27th October 2021. This hosted a live chat function. - Notification of the webinar was advertised in the Belfast Telegraph on 27th October 2021. - The PAN was circulated to a number of Councillors and MLAs. - Dedicated phone number and email address established. - Leaflets inviting people to the drop in webinars were distributed to approximately 760 properties in the vicinity of the site.
9.87	<p>A total of nine people actively took part in through the various means of engagement. A total of four responses were received. 75% showed support for the accommodation and 50% for the sports facilities.</p>

<p>9.88</p> <p>9.89</p> <p>9.90</p> <p>9.91</p>	<p>Concerns were expressed about the height of the building, the cost of accommodation, the lack of cycling infrastructure on site and the potential noise impact.</p> <p>In response to these comments:</p> <ul style="list-style-type: none"> - The height of the building has been established through the extant planning permission on the site. - Dedicated cycle storage facilities have been provided at ground floor level. - A CEMP has been submitted to help address potential disturbance during construction. - A management plan will be secured via a Section 76 Agreement to address wider amenity issues during operation. <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p> <p>Developer Contributions</p> <p>The previous approval (LA04/2016/1252/F) was accompanied with a Section 76 Agreement to secure developer contributions towards environmental improvements in the area, community apprenticeships and management. As the development has commenced the contribution towards environmental improvements have been secured is no longer required.</p> <p>A Section 76 is still required in this case. It is considered appropriate that any planning approval should be subject to the developer entering into a planning agreement with the Council to secure: the management of the student accommodation; control to the use as out-of-term accommodation; control the use of the proposed leisure facilities; and to secure community apprenticeships.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p>Summary of Recommendation:</p> <p>The proposal includes the same number of units as the consented purpose-built student block, and now accompanies this with a high-quality leisure centre on-site. The quality of the facility proposed, accompanied with landscaped and elevated external amenity areas outweighs any loss of amenity space from the previously approved internal courtyard.</p> <p>The scale and massing of the main block remains unchanged. The design, although changed slightly, retains the character of the previously approved building. The new leisure complex is located internally and will not be visible from the external public viewpoints.</p> <p>It is recommended that planning permission is granted subject to conditions and a completion of a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions to ensure they meet the legislative requirements for conditions.</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> 2. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window

specification for habitable rooms shall be in line with recommendations of table 7 of the AONA Consulting Ltd Noise Impact Assessment, titled 'Proposed Student Accommodation at Nelson Street, Belfast', dated 15th October 2021, job no. ENV-7094.

Reason: Protection of residential amenity.

3. Prior to installation, the applicant shall submit to the Council, for review and approval in writing, confirmation of the specification of alternative means of mechanical ventilation. The specification for the alternative means of ventilation shall demonstrate that the operation of the system in any mode will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014.

Reason: Protection of residential amenity.

4. Prior to occupation of the hereby permitted development, the *approved* final window schedule and *approved* alternative means of ventilation shall be installed throughout the development to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation operating.

Reason: Protection of residential amenity.

5. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: Protection of residential amenity.

6. At least four weeks prior to commencement of any part of the development hereby approved, a final Construction Environmental Management Plan (CEMP) should be submitted to the Council for approval. All works should be carried out in accordance with this approved CEMP.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

7. In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of air quality impact at relevant human health receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017) or any version that succeeds it, an Air Quality Impact Assessment must be submitted to and approved in writing by the Council prior to the installation of the plant. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination locations and heights, of the proposed combustion systems. It must demonstrate that there will be no significant adverse air quality impact or exceedance of air quality objectives at relevant human health receptor locations, including at terraces and roof spaces, associated with operation of the proposed combustion plant as part of the overall development. The combustion plant shall be installed and maintained in accordance with the requirements of the Air Quality Impact Assessment.

Reason: In the interests of human health.

8. No service deliveries to or collections from the hereby permitted development shall take place between the hours of 23:00-07:00hrs Monday to Friday or between the hours of 23:00-09:00hrs on a Saturday and Sunday.

Reason: Protection of residential amenity of future occupants.

9. Prior to the occupation of the proposed development, the applicant shall provide to and have agreed in writing by the Council, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Ireland Ltd report entitled 'Student Roost/RSRE, Site at Nelson Street, Belfast, Updated Preliminary Risk Assessment and Generic Quantitative Risk Assessment, 603776-R2(00), December 2021' have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without home grown produce). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) Soils that are demonstrably suitable for a residential without home grown produce end use have been emplaced in all planters.

Reason: In the interests of environmental protection.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

11. The Private Streets (Northern Ireland) Order 1980.

The Department hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing No. 21774-FJA-00-00-DR-A-9030 Rev P01 'Private Streets Determination' and published on EPIC by Belfast Planning Service on 1st March 2022 and bearing DfI Roads determination stamp of 06th April 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

12. The development hereby permitted shall not be occupied until the associated hard surfaced areas have been constructed in accordance with the approved Site Layout Drawing No. Drawing No. 21774-FJA-00-00-DR-A-9001 Rev P04 and published on Epic by Belfast Planning Service on the 1st March 2022 to provide adequate facilities for cycle parking, servicing and circulating within the site.

Reason: To ensure that adequate provision has been made for pedestrians.

	<p>13. The development shall not become operational until the appropriate legislative procedures for the loading bay on Nelson Street have been successfully completed.</p> <p>Reason: In the interests of road safety and the convenience of road users</p> <p>14. The waste management for the development hereby permitted shall operate in accordance with the approved Waste Management Plan, Drawing No. 21774-FJA-00-XX-DR-A-PL22 Rev P01, published on Epic by Belfast Planning Service on the 12th January 2022, and in accordance with the Waste Management Plan contained within the Design & Access Statement (page 25) published on Epic by Belfast Planning Service on the 12th January 2022.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>15. Services and deliveries to the development hereby permitted shall operate in accordance with the approved Student Management Plan published on Epic by Belfast Planning Service on the 12th January 2022 and Service Management Plan, contained within Appendix B of the submitted Travel Plan, published on Epic by Belfast Planning Service on the 12th January 2022.</p> <p>Reason: in the interests of road safety and the convenience of road users.</p> <p>16. The development hereby permitted shall operate in accordance with the approved Travel Plan IBHM0765 Revision F01 published on Epic by Belfast Planning Service on the 12th January 2022.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
12.0	Notification to Department (if relevant) No
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	

ANNEX	
Date Valid	20th December 2021
Date First Advertised	14th January 2022
Date Last Advertised	29 th April 2022
Details of Neighbour Notification (all addresses) 14 Little Patrick Street, Belfast, BT15 16-20 Little Patrick Street, Belfast, BT15 24 Little Patrick Street, Belfast, BT15 2A Nelson Street, Belfast, BT15 2A Nelson Street, Belfast, BT15 Student Roost Little Patrick Street, Belfast, BT15	
Date of Last Neighbour Notification	20 th April 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title Nos. 1-29 Published on planning portal 12 th January and 23 rd February 2022.	
Notification to Department (if relevant) – N/A Date of Notification to Department: Response of Department:	