

ADDENDUM REPORT

Committee Meeting Date: Tuesday 13th February 2024

Application ID: LA04/2022/0646/F

Proposal:
Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements).

Location:
30-44 Bradbury Place
Belfast
BT7 1RT

Referral Route:

Major development

Recommendation:

Approval subject to conditions and s76 planning agreement

Applicant Name and Address:
Bradbury Student Properties Ltd

Agent Name and Address:
Laura McCausland

Background

1. This report relates to a Section 54 application to vary condition 2 (public realm) of planning permission LA04/2017/2753/F. The planning permission is for demolition of buildings and erection of Purpose Built Managed Student Accommodation (156 bedrooms), granted on 01 August 2019. The development is near completion and was expected to be occupied by the end of March 2024, although this may be pushed back. Condition 2 requires approval of details and implementation of the public realm improvements to the footway to the frontage of the site on Bradbury Place
2. The Section 54 application was approved at the August 2022 Planning Committee. The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.
3. The Section 76 planning agreement has since been signed, however, the decision has yet to issue because of the need to resolve the details of the proposed public realm improvements, as well as the timing of the submission of the details and their implementation for the purposes of the updated condition 2.
4. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035 and for agreement of a revised date for the implementation of the public realm.
5. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Planning Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy.
6. This report should be read in conjunction with the original case officer report to the August 2022 Committee, appended.

Updated Policy Context

7. 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.
8. 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.
9. 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 (“Departmental Development Plan”) until the Local Policies Plan is adopted.
10. **Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
11. **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) and other relevant area plans. The weight to be afforded to these proposals 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.

Relevant Planning Policies

Plan Strategy

12. The following policies in the Plan Strategy are relevant to consideration of the Section 54 application.

Policy SP5 – positive placemaking

Policy SP7 – connectivity

Policy DES1 – Principles of urban design

Policy TRAN1 – Active travel – walking and cycling

Policy TRAN 2 – Creating an accessible environment

Policy TRE1 – Trees

Supplementary Planning Guidance Placemaking and Urban Design

Updated Assessment

13. The adoption of the Plan Strategy requires the following updated assessment.

Consultation responses

14. Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

Placemaking

15. The details of the proposed public realm required by condition 2 of the original planning permission, LA04/2017/2753/F, have now been approved (LA04/2021/0917/DC). It was necessary to resolve this matter first because the Section 54 application, if approved, will create a standalone new planning permission. The conditions attached to the original planning permission will need to be re-applied as appropriate.

16. The Section 54 application seeks permission to vary condition 2 of the original planning permission to vary the timing of the submission of the details of the public realm. In August 2022, the Committee agreed that the submission of the details of the public realm could be pushed back from prior to commencement of development to by June 2023. The reasoning was that by that time details of the Streets Ahead 5 public realm project should be known and the specification of the public realm would subsequently be designed to complement Streets Ahead 5. However, Streets Ahead 5 has been delayed. The approved PBSMA scheme is near completion and is expected to be occupied by the end of March 2024, although this date could be pushed back further. It was not possible to delay approval of the details of the public realm any further because the applicant needs to order the approved materials and so application LA04/2021/0917/DC has been approved.

17. In August 2022, the Committee agreed to vary condition 2 to the following:

‘Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.’

18. Acceptable public realm details were not submitted until November 2023 and so the condition will need to be updated accordingly, cross referencing the approved details. In terms of the timing of the implementation of the public realm works, officers are waiting on confirmation from the applicant as to when they

are realistically able to carry out and complete the works. Factors will likely include the ordering and supply of the materials, securing the appropriate license from DfI (and any partial road closures), programming of contractors etc.

19. The following recommended wording for condition 2 is therefore provisional and subject to discussions with the applicant – it is expected that officers will be able to provide an update to the Committee on these discussions via late items.

'The public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A shall be implemented in accordance with the details approved under discharge of condition application LA04/2021/0917/DC approved on [X] and completed prior to [31st July 2024].

Other considerations

20. Other aspects of the proposal acceptable, having regard to the policies in the Plan Strategy.

Recommendation

21. Having regard to the Development Plan and material considerations, the recommendation remains to approve the application subject to conditions and a Section 76 planning agreement.
22. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise provided that they are not substantive.

DRAFT CONDITIONS:

1. The development hereby permitted must be begun by 31st July 2024.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A shall be implemented in accordance with the details approved under discharge of condition application LA04/2021/0917/DC approved on [X] and completed prior to [31st July 2024].

Reason: In the interests of connectivity and good place making.

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04B 'Proposed Ground Floor Level' bearing the Belfast City Council Planning Office date stamp 30th November 2018 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.

Reason: To ensure that adequate provision has been made for cycle storage and servicing.

4. A minimum of 36 no. cycle parking spaces shall be provided and permanently retained in accordance with approved plan drawing No.04B date stamped 30th November 2018. The access shall be available at all times for residents, staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 07 December 2017. This includes provision of the Translink Corporate Commuter Initiative, the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed in writing in advance by the Council. No variation to the approved Travel Plans shall be implemented without the prior consent of the Council.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. The development hereby permitted shall operate in accordance with the Servicing and Waste Management Plan bearing the Belfast City Council Planning Office date stamp 28 August 2018.

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

7. Prior to the occupation of the proposed development, the applicant must submit to the Local Planning Authority for approval a Noise Verification Report which demonstrates that the mitigation/design measures outlined in the KRM Acoustics report titled "Noise Assessment Proposed Mixed use commercial and residential Accommodation, 30-44 Bradbury Place, Belfast dated 27th November 2018 and the additional KRM acoustics information dated 12th February 2018 PL Ref: LA04/2017/2753/F" have been implemented and it must demonstrate that the glazing and ventilation units approved by the Local Planning Authority have been installed. The verification report must be carried out by a competent acoustic consultant and demonstrate that suitable internal noise targets are not exceeded within the habitable rooms within the proposal with the windows closed and the alternative means of ventilation provided in accordance with current building regulation requirements.

Reason: In the interests of residential amenity

8. Prior to and during the operation of the proposal the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) at the nearest sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

The noise level shall not exceed 82dBL_{aeq}, 15 minute, within the internal plant rooms.

Reason: In the interests of residential amenity

9. The external courtyard areas must not be used as a communal space by students between the hours of 23.00hrs and 07.00hrs.

Reason: In order to protect future occupants of the proposed development against noise disturbance.

10. No deliveries to or collections from the retail unit shall take place between the following hours 23.00hrs and 07.00hrs.

Reason: In the interests of amenity

11. Prior to commencement of any part of the development, a construction dust, noise and vibration management plan shall be submitted to and agreed with by the Local Planning Authority. This plan shall outline the methods to be employed to minimise any dust, noise and vibration impact of construction operations demonstrating 'best practicable means. The plan shall be in accordance with BS5228:2009 Noise and Vibration Control on Construction and open sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Demolition and construction works should be carried out in line with the approved plan. No variation implemented without consent of the Local Planning Authority.

Reason: Protection of amenity

Informatives:

NOT02 Drawing Numbers

This decision relates to the following approved drawing numbers: 01A

NOT03 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.

NOT04 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 Section 76 planning agreement

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 201, which secures a student management plan. This decision should be read in conjunction with the planning agreement.

NOT06 Non-planning requirements

The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other 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.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0646/F	
Proposal: Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements).	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: Bradbury Student Properties Ltd	Agent Name and Address: Laura McCausland
<p>Executive Summary:</p> <p>This Section 54 planning application seeks to vary condition 2 of planning permission LA04/2017/2753/F to amend the trigger point for the approval of details of public realm improvements to the footway along the frontage of the site.</p> <p>The applicant submitted details of proposed public realm improvements in order to discharge condition 2 under reference: LA04/2021/0917/DC. The Department for Communities (DfC) was consulted and raised a concern that the proposals at this location would need to align with the design specification for Streets Ahead Phase 5, but these details have not yet been agreed. To agree the public realm improvements in advance of that would likely result in the applicant/developer carrying out works that may need to be replaced.</p> <p>It was therefore not possible to agree the details and the condition was not discharged. Instead, it was agreed that a Section 54 application should be submitted to amend the trigger point for submission of details of the proposed public realm improvements until the specification of Streets Ahead 5 is agreed.</p> <p>DfI Roads and DfC, Belfast Regeneration Directorate were consulted.</p> <p>DfI Roads offers no objection to this Section 54 application.</p> <p>DfC has advised that concept designs for the Belfast Streets Ahead Phase 5 Project (BSA 5) will not be available until the end of 2022/early 2023. In relation to delivery of the scheme, there is not a confirmed date at present but expect construction to start in the 2025/26 year, subject to approval of a business case, planning approval and funding availability.</p> <p>Accordingly, officers recommend the following wording for the revised condition:</p> <p><i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i></p>	

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

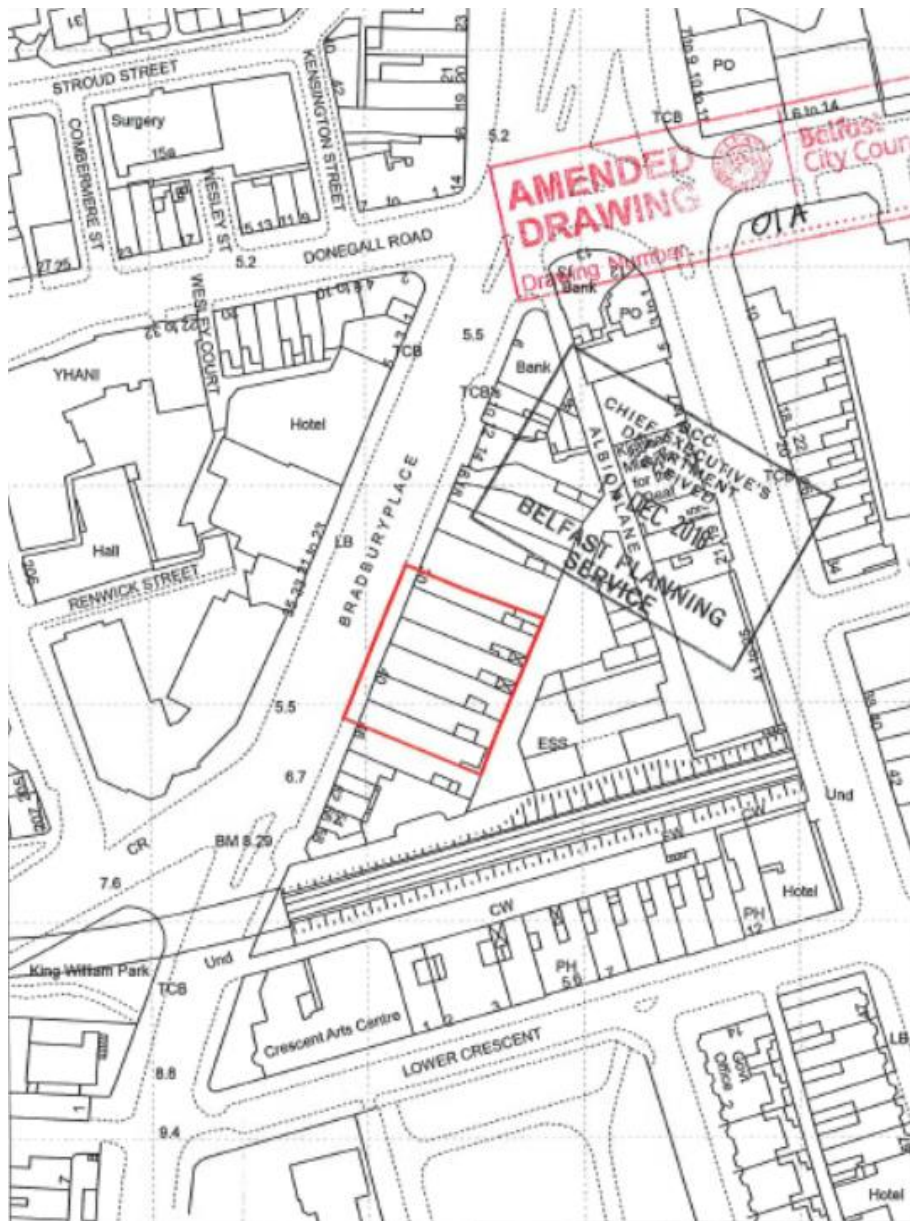
It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. The original permission was also subject to a Section 76 Planning Agreement (S76) to secure the management of the student accommodation and accordingly this Section 54 permission will also require a S76.

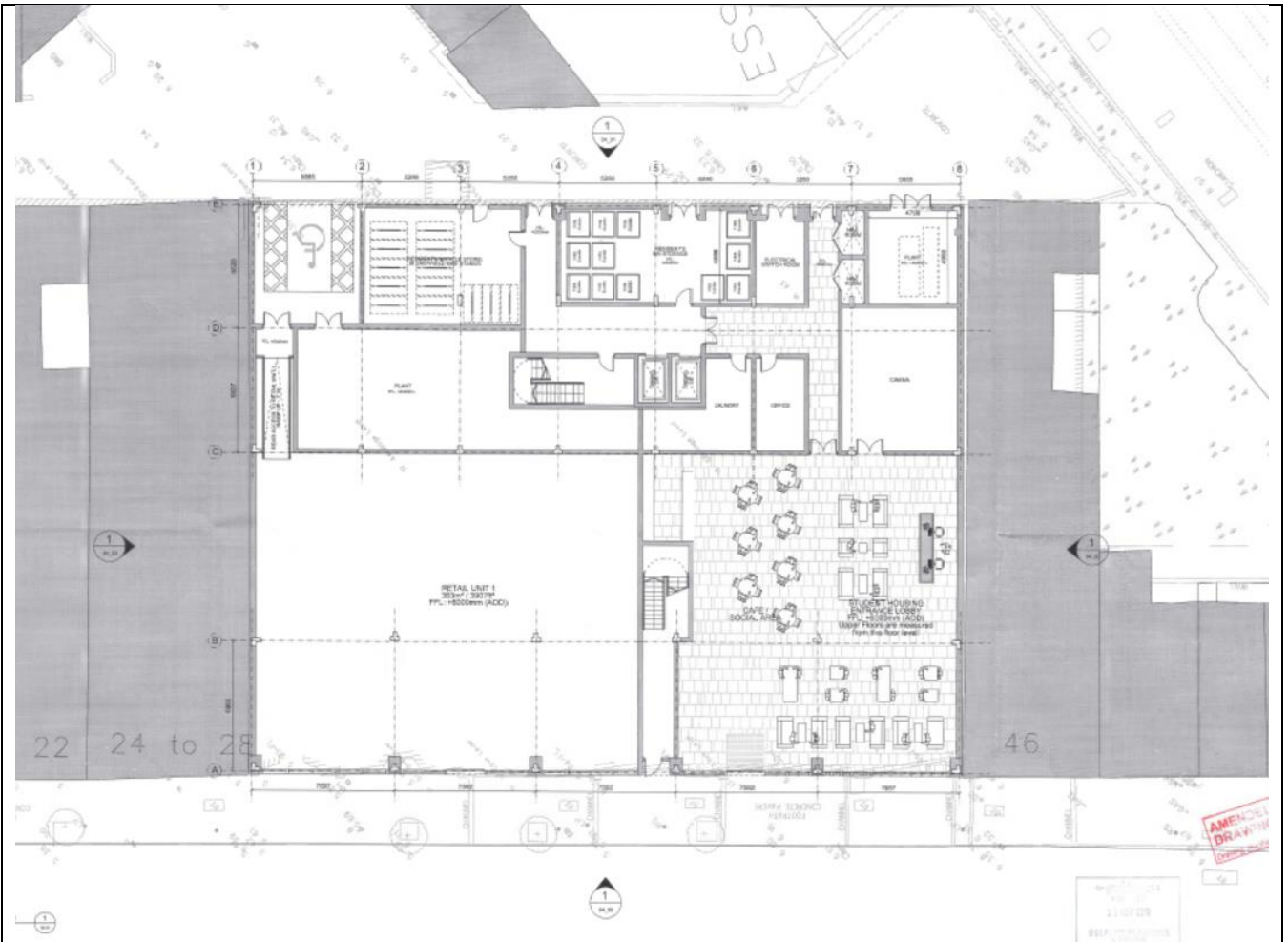
Having regard to the Development Plan, and relevant material considerations, including the responses from DfI Roads and DfC, Belfast Regeneration Directorate, the proposed amendment to condition 2 of the original planning permission is considered acceptable.

It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and a Section 76 Planning Agreement.

Case Officer Report

Site Location Plan/Approved Site Layout





Ground Floor Plan



Front Elevation

Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	On 1 st August 2019, full planning permission was granted under application LA04/2017/2753/F for Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to rear at 30-44 Bradbury Place, Belfast.
1.2	On 4 th April 2022, the current application was submitted seeking to vary Condition 2 of planning approval LA04/2017/2753/F.
1.3	Condition 2 as approved states: <i>Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i> <i>Reason: In the interests of the character and appearance of the area.</i>
1.4	The application to vary Condition 2 is seeking to amend the timing for submission of details of the public realm improvements. As approved, the condition requires this to be submitted prior to commencement of development and carried out prior to occupation. The change sought is to delay the submission of public realm details until such time as the specification for the Streets Ahead Project Phase 5 is agreed. The revised wording also allows the commencement of development in advance of agreeing the public realm improvements. And, taking into account the timeline for construction, it will still require the agreed public realm works to be carried out prior to occupation of the hereby approved development.
2.0	<u>Description of Site and Area</u>
2.1	The site comprises of a relatively flat, cleared site on the eastern frontage of Bradbury Place. To the north, west and south there are a mix of commercial and residential land uses, including apartments diagonally opposite on Bradbury Place and a new student accommodation building under construction over the railway line to the south-east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u>
3.1	Full details of relevant historical applications are provided in the case officer report to the original planning application at Appendix 1.
4.0	<u>Policy Framework</u>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPSS)

	<p>Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk Developer Contribution Framework 2020</p>
5.0	<p><u>Statutory Consultees</u> DfI Roads - No objections.</p>
6.0	<p><u>Non-Statutory Consultees</u> DfC, Belfast Regeneration Directorate – no objection.</p>
7.0	<p><u>Representations</u></p>
7.1	No representations were received.
8.0	<p><u>ASSESSMENT</u></p>
8.1	<p><u>Development Plan</u></p>
8.1.1	<p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had 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>
8.1.2	<p>Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
8.1.3	<p>Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.</p>
8.1.4	<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 the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) 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 this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.1.5	<p>The principle of a proposed student accommodation building on this site was established under the existing extant consent and this application does not amend the design of the approved building.</p>

<p>8.2</p> <p>8.2.1</p> <p>8.2.2</p> <p>8.3</p> <p>8.3.1</p> <p>8.4</p> <p>8.4.1</p>	<p><u>The acceptability of the proposed amendments to the conditions</u></p> <p>DfI Roads and DfC, Belfast Regeneration Directorate were consulted and that they had no objections to the proposed amendment to condition 2.</p> <p>Officers consider that the proposed variation of condition 2 is acceptable and recommend that Condition 2 should read as follows:</p> <p><i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i></p> <p><i>Reason: In the interests of the character and appearance of the area.</i></p> <p><u>Public Consultation</u></p> <p>The application was advertised on 12th November 2021 and neighbour notifications were issued on 10th November 2021. No representations have been received.</p> <p><u>Conclusion</u></p> <p>The proposal to vary condition 2 is considered reasonable and acceptable having had regard to the consultation responses from DfI Roads and DfC, Belfast Regeneration Directorate. Both have no technical objections to the application. Having regard to the planning policy context and relevant material considerations, the variation of the condition is considered acceptable.</p>
<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p>Summary of Recommendation:</p> <p>Having regard to the policy context and other relevant material considerations, the proposal is considered acceptable.</p> <p>The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation. A Section 76 will also be required for this new permission. 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 conditions and the Section 76 agreement.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Draft Conditions:</p> <p>*Please note that the other original conditions will need to be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2017/2753/F have been discharged and final wording will make reference to this.</p> <p>The development hereby permitted shall be begun before 15th April 2024.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011,</p> <p>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</p> <p>Reason: In the interests of the character and appearance of the area.</p>

11.0	Representations from Elected Representatives (if relevant) N/A
12.0	Referral to Dfl (if relevant) N/A
ANNEX	
Date Valid	5th April 2022
Date First Advertised	15th April 2022
Date Last Advertised	6th May 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 15 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 17 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 19 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 19a ,Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 1st Floor,19 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 21 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 23-31 ,Bradbury Place,Belfast,Antrim,BT7 1RR</p> <p>The Owner/Occupier, 24-28 ,Bradbury Place,Belfast,Antrim,BT7 1RS</p> <p>The Owner/Occupier, 25-41 ,Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 27 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 29 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 33 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG</p> <p>The Owner/Occupier, 36 Bradbury Place,Belfast,Antrim,BT7 1RT</p> <p>The Owner/Occupier,</p>	

37 Bradbury Place,Belfast,Antrim,BT7 1RR
The Owner/Occupier,
37-39 ,Botanic Avenue,Belfast,Antrim,BT7 1JG
The Owner/Occupier,
38 Bradbury Place,Belfast,Antrim,BT7 1RS
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38 Bradbury Place,Belfast,Antrim,BT7 1RS
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39 Bradbury Place,Belfast,Antrim,BT7 1RR
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39 Bradbury Place,Belfast,Antrim,BT7 1RR
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40-42 ,Bradbury Place,Belfast,Antrim,BT7 1RT
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41 Bradbury Place,Belfast,Antrim,BT7 1RR
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43 Botanic Avenue,Belfast,Antrim,BT7 1JG
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43 Botanic Avenue,Belfast,Antrim,BT7 1JG
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43 Bradbury Place,Belfast,Antrim,BT7 1RR
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45 Bradbury Place,Belfast,Antrim,BT7 1RR
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46 Bradbury Place,Belfast,Antrim,BT7 1RU
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46b ,Bradbury Place,Belfast,Antrim,BT7 1RU
The Owner/Occupier,
51 Bradbury Place,Belfast,Antrim,BT7 1RR
The Owner/Occupier,
53 Bradbury Place,Belfast,Antrim,BT7 1RR
The Owner/Occupier,
9-11 ,Botanic Avenue,Belfast,Antrim,BT7 1JG
The Owner/Occupier,
Flat 1,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
The Owner/Occupier,
Flat 10,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
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Flat 24,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
The Owner/Occupier,
Flat 25,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
The Owner/Occupier,
Flat 26,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH
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The Owner/Occupier,
Flat 6, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH
The Owner/Occupier,
Flat 7, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH
The Owner/Occupier,
Flat 8, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH
The Owner/Occupier,
Flat 9, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

Date of Last Neighbour Notification	8th June 2022
Date of EIA Determination	N/A

ES Requested	No
Notification to Department (if relevant) N/A	
Date of Notification to Department:	
Response of Department:	

Appendix 1: Development Management Officer Committee Report for LA04/2017/2753/F

Development Management Report Committee Application

Summary	
Committee Meeting Date: 15 th January 2019	
Application ID: LA04/2017/2753/F	
Proposal: Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The proposed building has 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route: Major Application	
Recommendation:	Approval subject to S76 agreement
Applicant Name and Address: Rojem Properties Belfast Limited The Farmhouse Balgone Barns North Berwick East Lothian EH39 5NY	Agent Name and Address: Laura McCausland 8 Edgar Avenue Carryduff BT8 8DG
Executive Summary: The application seeks planning permission for purpose built managed student accommodation (PBMSA) - 156 beds - in a building ranging in height from 5 storeys to 6 storeys. The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations <p>The site is located within the development limits of Belfast as defined in the Belfast Urban Area Plan and the Draft Belfast Metropolitan Area Plan (BMAP) and version of BMAP purported to be adopted. It is not subject to any zoning in these plans and is therefore 'Whiteland'. The site falls within the Shaftesbury Square character area as designated in draft BMAP (CC016). This sets out a general criteria that proposals shall take account of the height of adjoining buildings and that <i>any development which fronts onto Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7</i></p>	

storeys. The height of the proposal complies with these criteria and on balance the design, scale and massing is considered acceptable at this location.

Planning permission was refused (LA04/2016/9000/F) for a previous proposal for PBMSA) on the site. The proposal has significantly changed for the better when compared to the scale and massing of the building refused under LA04/2016/0900/F (previously proposed was a 7 and 11 storey building with 271 units). The current application has been revised from the original submission with the removal of a floor from the front and rear blocks and a reduction in unit numbers from 172 to 156. The amended scheme comprises a layout of two blocks – a front block of 4 storeys plus one set back in height, with a rear block of 6 storeys in height (ridge 18.6m). The building would occupy the entire site, with a retail unit, a reception area, student social area, 1 disabled car parking space to the rear, bin and cycle storage space at ground floor, with two outdoor amenity areas at second floor and a roof terrace. On balance the reduced scheme is considered acceptable.

The proposed development involves the demolition of existing buildings (30-44 Bradbury Place). The buildings are not listed and are not located within a Conservation Area or Area of Townscape Character. As the buildings are not protected, their demolition is considered acceptable in principle.

The principle of purpose built student accommodation is considered acceptable at this location. The site is located on unzoned (white) land close to the Queens University campus and is not located in or adjacent to a primarily residential area. The area is characterised by mixed commercial use with a number of shops, hot food bars, restaurant/cafes and public houses. Therefore, there are no restrictions on the land use providing it is a compatible land use and does not conflict with relevant policy and other material considerations.

There are a number of listed buildings within close proximity to the site including Bradbury Buildings 2-6, Bradbury Place, Crescent Arts Centre, Moravian Church, The Crescent Church and deconsecrated Methodist Church (which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED was consulted and has no objections.

4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished.

308 letters of support have been received highlighting the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area.

All matters highlighted by representations have been fully considered within the report

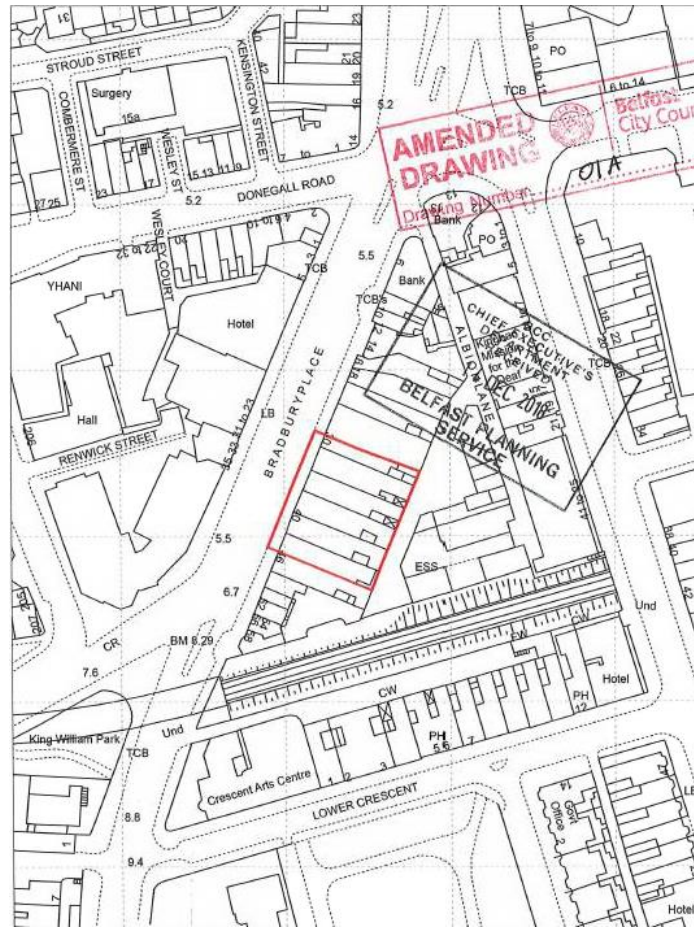
All consultees have offered no objections to the proposal, subject to conditions.

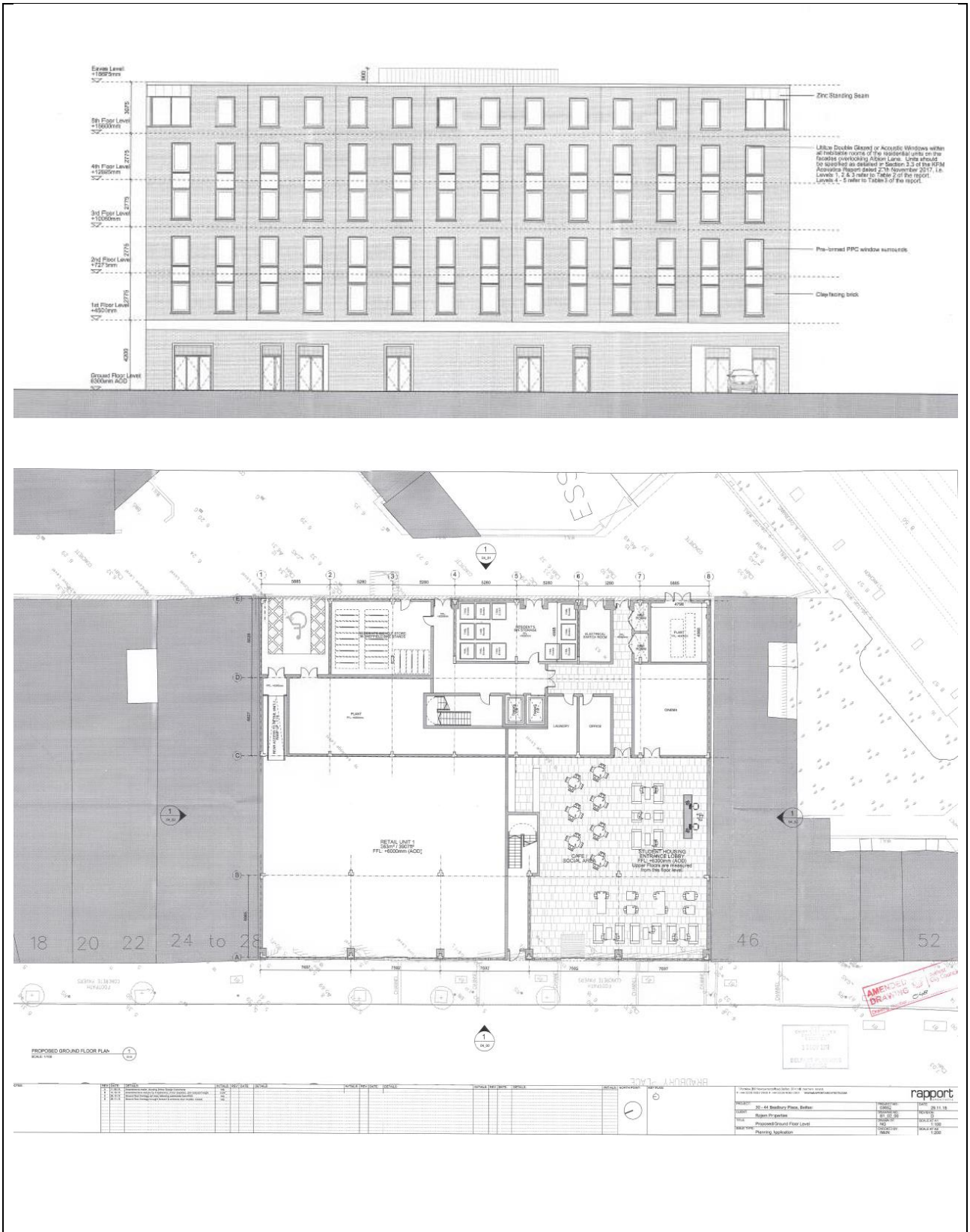
Recommendation

Having had regard to the development plan, relevant planning policies and other material considerations it is considered that the proposal complies with the development plan, regional planning policy and other material considerations. It is recommended that the proposal should be approved subject to conditions and completion of an agreement under Section 76 of the Planning Act (NI) 2011. The Committee is requested to delegate authority to the Director of Planning and Building Control to finalise the wording of conditions and to enter into the Section 76 and to finalise the wording of conditions to be agreed.

Case Officer Report

Site Location Plan







Representations:	
Letters of Support	308
Letters of Objection	4
Neighbour Notification Checked: Yes	

1.0	<p>Description of Proposed Development</p> <p>The proposed development involves the demolition of buildings (30-44 Bradbury Place) and the erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The building will have 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.</p>
2.0	<p>Description of Site</p> <p>The site is located at 30-44 Bradbury Place and the site area is 0.116 hectares. The existing buildings on the site generally address onto Bradbury Place with a two storied frontage. A taller block addresses Albion Lane located to the rear. The site has a continuous frontage comprised of six separate buildings each with individual access to the front and rear. These buildings will be demolished as part of the proposal. The majority of units appear to be used as fast food take away units. The site is not subject to any zoning in BUAP or DBMAP and is identified as 'Whiteland'. The site falls within a character area – Shaftesbury Square under designation CC016.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Planning History</p>
3.1	<p>LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme).</p> <p>Planning permission refused-21.11.2016 on the basis of the following refusal reasons.</p>

3.2	<p>1: <i>The proposal is contrary to the Strategic Planning Policy Statement for N. Ireland, Belfast Metropolitan Area Plan 2015, the Belfast HMO Subject Plan, and Policy QD1 of Planning Policy Statement 7 ‘Quality Residential Environments’ in that it would, if permitted, cause unacceptable damage to the character of the area due to the uncharacteristic and inappropriate height, scale, massing and design and fails to provide an adequate living environment due to a poor outlook, inadequate amenity space arrangements due to overshadowing, dominance, and inadequate provision for prospective residents.</i></p> <p>2: <i>The proposal fails to satisfy the policy requirements of BH11 (Development affecting the Setting of a Listed Building) and criteria (e) of BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that the proposal, if permitted would adversely impact the setting of listed buildings in the locality of the site and views into and out of the Queens Conservation Area due to inappropriate scale, height, massing and design.</i></p> <p>3: <i>The proposal is contrary to policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that insufficient detail have been provided to determine if the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the listed buildings in the locality.</i></p> <p>LA04/2017/1393/PAN 30-44 Bradbury Place, Belfast, BT7 1RT Demolition of existing vacant and partially occupied buildings and construction of new build managed student accommodation for mix of cluster bedrooms and studios above new retail units. PAN considered acceptable-5th July 2017.</p>
4.0	Policy Framework
	<p>Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement (SPPS) House in Multiple Occupancy Subject Plan 2015 HMO 7- Large Scale Purpose Built Student Accommodation Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking Planning Policy Statement 6 (PPS 6)- Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS 7) – Residential Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (PPS 15) - Planning and Flood Risk</p>
5.0	Statutory Consultee Responses
	<p>DFI Roads- No objections subject to conditions NI Water- No objections; Historic Environment Division- No objections Rivers Agency- No objections</p>
6.0	Non Statutory Consultee Responses
	<p>Belfast City Council EHO- No Objections subject to conditions Belfast City Council Building Control – No objections- sufficient opportunity to comply with regulations re: fire safety and access. Belfast City Council Urban Design Officer-No objections</p>

7.0	Representations The application has been neighbour notified and advertised in the local press. 4 letters of objection were received and 308 letters of support were received. No representations from elected representatives have been received.
8.0	Other Material Considerations
8.1	Belfast Agenda Planning and Place Advice Note: Purpose Built Managed Student Accommodation BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation Living Places
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations
9.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements' including PPS3 and PPS7.
9.3	Article 6 (4) of the Planning (NI) Act 2011 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 considerations indicate otherwise.
9.4	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.5	The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. PPS6 is also a significant consideration in this case as there are a number of listed buildings within close proximity to the site including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place, (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church

	<p>(HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. Due to the student housing nature of the proposal, the Belfast HMO subject plan, Planning and Place Advice Note: Purpose Built Managed Student Accommodation, BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation are also material considerations.</p>
9.6	<p><u>Demolition of existing buildings:</u> The existing buildings are not listed or located within a Conservation Area or Area of Townscape Character. They are also not of any architectural merit. The demolition of the buildings is therefore acceptable in principle subject to other material considerations.</p>
9.7	<p><u>The principle of the development at this location:</u> The site is located on an unzoned land within the development limits of the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP) 2015. The site is within walking distance to Queens University and Belfast City Centre and is not located or adjacent to a residential area. The presumption is therefore in favour of a purpose built managed student accommodation development subject to the planning considerations detailed below.</p>
9.8	<p>The proposal also includes a retail unit on the ground floor. The principal policy considerations are set in the SPPS, BUAP and dBMAP. The site, whilst within the city centre, is located outside of the primary retail core. Given the historic retail uses in this locality and city centre location, retail use is considered acceptable. The loss of the take away units is considered to be acceptable. There is a large amount of eateries in the nearby vicinity.</p>
9.9	<p><u>HMO Subject Plan 2015</u> The site is located outside of any HMO Policy nodes or policy areas identified within the subject plan. However, the principle of HMO development must be assessed against the criteria set out in Policy HMO 7 Large Scale Purpose Built Student Accommodation of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All the criteria are met except for the landscaping. However the proposal provides sufficient amenity space throughout the building for users. The scheme provides 156 units which is well in excess of the minimum standard of 50 units. All units are self-contained and the proposal is not located within a primarily residential area. Provision is made for the management of the building which will be served by a ground floor reception area.</p>
9.10	<p><u>Assessment against Planning and Place on PBMSA</u> Planning and Place's advice note document titled 'Purpose Built Managed Student Accommodation in Belfast' January 2016 is Belfast City Council's first step as a planning authority to respond to the SPSS 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 still a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to.</p>
9.11	<p>These include: Criterion (a) states that the development should be at a location which is easily accessible to University/College campuses by sustainable transport modes. In regards to the first criterion the development is approximately 800 metres from the Queens University. The site is within walking distance of Great Victoria Street transport hub, is close to numerous bus stops and Botanic train station. The immediate area is also</p>

	served by a Belfast Bikes docking station located within 50 metres of the site. The proposal is considered to be suitably located and therefore complies with criterion (a).
9.12	Criteria (b) requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located within the City Centre, and the Shaftesbury Square Character Area. The proposal, as detailed under paragraph 9.19, is considered to be designed in a manner that is sympathetic to the existing urban grain. The proposal is not located in a Conservation Area. The design has evolved considerably with the reduction in the number of proposed storeys. The proposal would not compromise the setting of listed buildings. The proposal complies with the criteria set out for the Shaftesbury Square Character Area. In regards to other policy designations in the city centre the site is not located within a wholly residential area given the surrounding land uses. The proposal complies with criterion (b).
9.13	In regards to criteria (c) PBMSA should have a layout, design and facilities provided within the development which are of high standards. It is considered that the layout, design and facilities provided within the development are of high standards and also comply with PPS 7 Policy QD 1 requirements. This view is supported by the Urban Design Officer. In relation to the internal layout, all units would have an outlook to either Bradbury Place, Albion Lane and/or to the internal courtyards. Separation distances between the front and higher rear block is 9.6 metres and will ensure that units will receive adequate daylight.
9.14	In terms of open space provision, Creating Places - Achieving Quality in New Residential Developments' advises that in the case of apartment or flat developments that private communal space would be acceptable in the form of landscaped areas, courtyards or roof gardens ranging from 10-30m ² with developments in inner urban locations tending towards the lower figure. At present two areas of shared terrace amenity space are proposed in the form of courtyards at Level 01 (204m ²) with a roof terrace of 89m ² provided at Level 05. This gives a total of 293m ² . The scheme also includes a large entrance lobby and café/social area with seating as well as a separate cinema room, all of which combined provides a further 302m ² of communal space, bringing the total to around 595m ² . The proposal is also within 10 minutes' walk from Botanic Gardens. The level of amenity space provision in this high density development along an arterial route on balance is considered to be adequate.
9.15	The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards. The smallest single rooms are approximately 12.3 m ² and increase to 23.3 m ² . NIHE standard is a minimum of 6.5 m ² and provision is therefore compliant with space standards. It is therefore considered that the proposal is compliant with criterion (c).
9.16	Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is not located within a predominately residential area. The proposal would not compromise the amenity of neighbouring properties given their non-residential use. The proposal would not compromise the visual amenity of the immediate locality and setting of listed building as the scale, massing, materials and detailing are sympathetic to the local streetscape. The guidance document refers to the cumulative impact and how an overconcentration of student housing relative to the wider community can lead to an imbalance, ultimately resulting in harm to residential amenity. It is not considered that the proposal will result in an unacceptable level of intensification in the locality in this case.
9.17	Criteria (e) requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any

	<p>potential negative impact from occupants. The management plan sets out the procedures to be put in place. The management plan addresses main points raised under criterion (e). It could be secured by a Section 76 Agreement. The management plan includes the staffing and management of the development; allocation procedures; ingress and exit policy for students at commencement and end of tenancy period; student behaviour; fire strategy; maintenance and complaints strategy. With use of a Section 76 Agreement it is considered that the management plan could be sufficiently comprehensive to ensure that impacts to neighbouring land uses and prospective residents will be minimal.</p>
9.18	<p>Criteria (f) requires that planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. Reference is made in the supporting planning statement to the <i>Belfast: a learning City framework</i>. The applicant has also referred to Knight Frank's Belfast Market Report on student accommodation. This highlights that University campuses in Belfast have nearly 29000 students but are only in a position to offer 3,384 students accommodation in halls of residence, representing just 11.7% of the total student population. A further 614 students are accommodated by the private sector, representing 2.1% of the student population. A combined total of 3,998 (13.8%) students are accommodated in purpose built accommodation, which leaves 24,889 (86.2%) students unable to access university or private sector accommodation and illustrates significant structural undersupply. Even if the 4,126 consented beds in the pipeline are built, then 20,763 (71.9%) of the students will still be unable to access university or private rental sector accommodation.</p>
9.19	<p>No formal correspondence highlighting the need for purpose built student accommodation has been provided by any of the Universities for this proposal. No University support appears to be provided or details of waiting lists for accommodation. The applicant provided information relating to wider regional (Programme for government) and local strategies (Belfast Regeneration and Investment Strategy) to emphasise the need for the proposal. Their overview of student numbers across Universities and student beds available in PBSMA does highlight a need for additional units in the city.</p>
9.20	<p>The proposal is in keeping with the Belfast Agenda seeking an increase in the new resident population within the city centre, It is also in line with the objective to grow the reputation of Belfast as a learning city, will provide greater choice of accommodation, and reduce pressure on HMO areas within South Belfast. On balance it is considered there is a need for PBSMA and determining weight in this regard is afforded to compliance with policies to increase city centre residential provision and that the PBSMA acknowledges an unmet need. It is also considered reasonable that the proposal could offset demand within HMO policy areas.</p>
9.21	<p><u>Belfast City Centre Regeneration and Investment Strategy</u> The Belfast City Centre Regeneration and Investment Strategy (September 2015) sets out a strong vision for the future development of the City Centre to deliver the Council's aspirations for the continued growth and regeneration of the city core and its surrounding areas. In relation to the provision of PBSMA, the Strategy seeks to increase the residential population in the City Centre, including "appropriate student housing" in "suitable locations." It argues that "student housing should be carefully directed, located and managed" and outlines the Council's commitment to build on the criteria-based approach outlined within the Framework Document to develop a balanced approach to student housing in the city. The proposal contributes to the philosophy set out in this framework.</p>
9.22	

	<u>Design including PPS7, height, scale, massing and impact on the character of the area</u>
9.23	<p>PPS 7- Quality Residential Development Policy QD 1 The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment.</p>
9.24	<p>The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing. An objection from 9 Lower Crescent claimed that the proposal would have a negative impact by way of loss of light to their office. There is at least a 50m separation distance between the two buildings. Given this level of separation there should be no significant overbearing impact on the loss of light to the office at No. 9 Lower Crescent, Belfast.</p>
9.25	<p>Scale and massing The site falls within the Shaftesbury Square Character Area (CC016) as designated within draft BMAP, where the following relevant urban design criteria is applicable:</p> <ul style="list-style-type: none"> • <i>General</i> Development proposals shall take account of the height of adjoining buildings; • <i>Street Frontages</i> That part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys; Shopfronts shall be of high quality materials consistent with Conservation Area policy (where applicable).
9.26	<p>The current application has been revised with regards to scale, height and massing following several positive collaborative workshops with the architect and agent. As a result the initial scheme which saw a 6 storey block (5+1 setback) along Bradbury Place and an interconnected 8 storey block to the rear, has now been reduced in height to a 5 storey block (4+1 setback) along Bradbury Place with an interconnected 6 storey block to the rear. These changes see a reduction in total units from 185 (112 en-suite cluster bedrooms and 73 studios) to 156 (100 en-suite cluster bedrooms and 56 studios).</p>
9.27	<p>It is noted that planning permission was refused on 21 November 2016 (LA04/2016/0900/F) for a scheme which included the demolition of the same six commercial properties and the construction of a 6 storey block along Bradbury Place and an 11 storey block to the rear as part of a mixed use development including purpose-built managed student accommodation (271 studios). Reasons cited in this refusal referred to the unacceptable damage to the character of the area by the proposal due to the uncharacteristic and inappropriate height, scale, massing and design and that insufficient information had been submitted to demonstrate that the proposal would not adversely affect the setting of a listed building. The planning history on the site is an important material consideration and highlights how the latest proposal marks a significant change in design approach for the development.</p>
9.28	<p><i>Bradbury Place elevation</i> The site spans a total of six properties within an existing terrace along the eastern side of Bradbury Place. This terrace comprises around twenty units which are for the most</p>

	<p>part two storeys in height, with a few three storey properties within the northern section including the Tearooms, Lavery's Bar and the Santander Bank at the junction of Bradbury Place and Albion Lane. While there is a predominant height of two storeys to this terrace which is bookended by two listed buildings, it is also punctuated with a few three storey frontages. Four storey buildings are also present within a large extent of the terrace on the opposite side of Bradbury Place, between Lisburn Road and Donegall Road. This includes the student accommodation at the junction of Bradbury Place, Lisburn Road and Sandy Row, which includes a narrow five storey frontage to the main accommodation entrance.</p>
9.29	<p>Due to the shorter floor to ceiling heights proposed, the revised four storey shoulder height of the proposed development equates approximately to the average datum height of those taller three storey properties within the terrace and is considered appropriate. Changes have also been made to raise the brickwork at 3F level by a few courses, which together with the 2.0m setback and 2.5m setbacks either side, reduces the visual impact of this floor giving it a subservient appearance.</p> <p>The view south from Shaftsbury Square along Bradbury Place is important in that the skyline is dominated by the three spires/towers of the Moravian Church, Deconsecrated Methodist Church and Crescent Church. It is considered that the changes made to the Bradbury Place elevation which sees the scheme being reduced by one storey and the incorporation of a deeper setback at 4F level (increased from 1.0m to 2.0m), will not result in a detrimental impact on this key view.</p> <p><i>Albion Lane elevation</i></p> <p>The development proposes a total of 6 storeys to the rear along Albion Lane (GF+5) which sees this element of the scheme being reduced by two storeys. While some additional massing is required above, to house plant/lift motor room, it is noted that this element is limited to a small central section of the building above the lift/stair lobby, lifts and staircase. This element will only rise a further 900mm above the upper height of this part of the building and will be setback 2.5m from its front edge so will only be visible from long distance views. The reduction in height of this rear element of the building will also ensure that the proposed development will not be visible when viewed from Upper Crescent along the southern side of Crescent Gardens Park (Queen's Conservation Area).</p>
9.30	<p>Articulation of facades</p> <p>The building's Bradbury Place elevation incorporates five bays which picks up on visual cues that are cognisance of historic plot widths, scale and proportion within the terrace. This has also been accentuated by variations in the tone and bond of facing brick and the proportions of windows with spandrels between those windows on lower floors which picks up on the hierarchy of windows elsewhere along the street.</p> <p>The ground floor retail unit along Bradbury Place now takes cognisance of existing fascia depths along this terrace, similarly the unit now incorporates a modest stall riser which reflects those of adjacent units. While a uniform building line is proposed at GF a different treatment has been applied to the student housing component which helps to improve the legibility of the building and differentiates from the more traditional shopfront arrangement of the retail unit.</p>
9.31	<p>Materials</p> <p>While the predominant material in the area is red brick, the opportunity has been taken to use slight variations in brick tone, type and bond in order to help break up the wide elevation and add visual interest. The incorporation of standing seam cladding on the setback 4F level along Bradbury Place is welcomed as this will visually give the appearance of an attic extension, particularly given the deeper 2.0m setback and marginally raised brickwork at 3rd floor level. Likewise the use of sections of standing seam cladding at either end of the rear sixth floor, along with increased glazing at the</p>

9.32	<p>common room at these corner locations, will help to soften this component of the scheme particularly when viewed from the Lisburn Road.</p> <p>It's recommended that a condition should be attached relating to materials which stipulates that samples are made available for inspection (preferably on site) and are approved in writing by the Local Planning Authority. This would relate to samples of clay facing brick, windows, spandrel panels, ppc window surrounds and standing seam cladding on the upper floors and at ground floor information in relation to the proposed shop framing, fascia material, stall risers and louvres fronting the student housing entrance lobby.</p>
9.32	<p>Local Environmental Improvements</p> <p>Contributions to local environmental improvements could primarily take the form of public realm improvements to the streetscape to the front of the building along Bradbury Place in order to enhance the pedestrian environment which sits approximately halfway between Queens University and Belfast City centre. This will be secured through the use of planning conditions.</p>
9.33	<p>In summary, the scale, massing and proportions of the building are considered to be acceptable and in keeping with the existing character of the area. The proposed design is therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.</p>
9.34	<p><u>Impact on listed buildings and the setting of listed buildings</u></p> <p>The site is in proximity to a number of listed buildings including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church (HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED Historic Buildings (HED: HB) has considered the effects of the proposal on the setting of listed buildings and on the basis of the information provided give the following advice: HED : HB is content the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions. Following comments from HED and the Council, the applicants positively engaged with BCC Planning Service and revised their proposal. The applicants removed a storey from the building thus reducing the height, scale and overall massing of the building. They provided a set back to the upper floors of the front element of the building, reduced the height of the attic floor and incorporated a suitable palate of materials as well as reorganising the shop front. The detailed design respects the nearby listed buildings in terms of scale, height, massing. The works proposed make use of sympathetic building materials and techniques which respect those found in the wider area thus respecting the character of the setting of the buildings in the area. Following the submission of revised visuals and consultation with HED, BCC Planning Service consider that the proposal is compliant with Policy BH 11 of PPS 6.</p>
9.35	<p><u>Impact on monuments</u></p> <p>Munday's Well is a scheduled monument under HED's database and is approx. 230 metres south west of the site. There are no visible remains of this well which has probably been built over and destroyed. HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.</p> <p><u>Noise / Public Health</u></p> <p>BCC Environmental Health requested a noise impact assessment and following assessment of these details Environmental Health offered no objections to the proposal</p>

9.36	<p>subject to conditions. The proposal is also considered acceptable in terms of air quality, odour, and related matters.</p>
	<p><u>Land Contamination</u> A preliminary risk assessment has been submitted in support of the application. Consultees have no objections to the proposed development subject to conditions.</p>
9.37	<p><u>Traffic and Parking</u> The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking and associated policy. DFI Roads has accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate sustainable transport modes within the vicinity and offered no objections. The absence of car parking in the city centre is considered to be a positive feature of this high density scheme as it will encourage users to walk, cycle and use public transport. A single disabled car parking space is located to the rear of the development. Cycle parking provision has been provided internally on the ground floor. DFI Roads did not highlight any issues with access arrangements for neighbouring properties.</p>
9.38	<p>The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking and associated policy. DFI Roads has accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate sustainable transport modes within the vicinity and offered no objections. The absence of car parking in the city centre is considered to be a positive feature of this high density scheme as it will encourage users to walk, cycle and use public transport. A single disabled car parking space is located to the rear of the development. Cycle parking provision has been provided internally on the ground floor. DFI Roads did not highlight any issues with access arrangements for neighbouring properties.</p>
9.39	<p><u>Drainage and Flooding</u> A drainage assessment was submitted as per PPS 15 Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requirement for proposals exceeding 10 or more residential units. DFI Rivers have reviewed the content of the drainage assessment and have concluded that the applicant has provided adequate drainage calculations to support their proposal and offer no objections. Furthermore, the applicant has received consent from NI Water to discharge 1.2l/s of storm water runoff from the proposal site to an existing combined sewer located within Bradbury Place.</p>
9.40	<p><u>Fire Safety, Waste Management and Access for disabled people</u> Building Control confirm that there appears to be sufficient development opportunity within the footprint of the proposed building to comply with the Building Regulations (NI) 2012 in respect to Fire Safety, solid waste in buildings and access and facilities for disabled people. The bin storage is defined within an area within the lower ground floor layout and is considered to be an acceptable arrangement. The applicant also provided an adequate waste management strategy which indicates that waste will be managed and collected by a private operator.</p>
9.41	<p><u>Representations:</u> 4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished. 308 letters of support have been received highlighted the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area. These issues have all been considered in the above assessment.</p>
9.42	<p><u>Developer Contributions</u> It is considered appropriate that any planning approval should be subject to the developer entering a Section 76 legal agreement with Belfast City Council to provide certainty around the management of the accommodation.</p> <p>Pre-Application Community Consultation</p>

9.43	<p>For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p> <p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1393/PAN) was submitted to the Council on 22nd June 2017. 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> <p>A Pre Community Consultation Report has been submitted in support of this application. 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>
10.0	Recommendation
10.1	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions and completion of a legal agreement under Section 76 of the Planning Act (NI) 2011.</p>

Draft Conditions (Delegation of final conditions to Director of Planning & Building Control Requested):

1. As required by Section 61 of the Planning Act (N. Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No. xx which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.

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

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04B 'Proposed Ground Floor Level' bearing the Belfast City Council Planning Office date stamp 30th November 2018 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.

Reason: To ensure that adequate provision has been made for cycle storage and servicing.

4. A minimum of 36 no. cycle parking spaces shall be provided and permanently retained in accordance with approved plan drawing No.04B date stamped 30th November 2018. The access shall be available at all times for residents, staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 07 December 2017. This includes provision of the Translink Corporate Commuter Initiative, the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. No variation to the approved Travel Plans shall be implemented without the prior consent of the Local Planning Authority.
Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. The development hereby permitted shall operate in accordance with the Servicing and Waste Management Plan bearing the Belfast City Council Planning Office date stamp 28 August 2018.

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

7. Prior to the commencement of construction of the proposal we would request that details are provided to Belfast Planning Authority for review and to be approved in writing by Belfast Planning Authority on the specification including the acoustic attenuation of the proposed glazing and ventilation system(s) to all the habitable rooms on the facades of the proposal. The information submitted must demonstrate that the proposed glazing and ventilation units will provide suitable internal noise targets and that the relevant recommendations outlined in the KRM Acoustic's Noise Impact Assessment dated 27th November 2018 and KRM report dated 12/2/18 have been incorporated.

Reason: In the interests of residential amenity

8. Prior to the occupation of the proposed development, the applicant must submit to the Local Planning Authority for approval a Noise Verification Report which demonstrates that the mitigation/design measures outlined in the KRM Acoustics report titled "Noise Assessment Proposed Mixed use commercial and residential Accommodation, 30-44 Bradbury Place, Belfast dated 27th November 2018 and the additional KRM acoustics information dated 12th February 2018 PL Ref: LA04/2017/2753/F" have been implemented and it must demonstrate that the glazing and ventilation units approved by the Local Planning Authority have been installed. The verification report must be carried out by a competent acoustic consultant and demonstrate that suitable internal noise targets are not exceeded within the habitable rooms within the proposal with the windows closed and the alternative means of ventilation provided in accordance with current building regulation requirements.

Reason: In the interests of residential amenity

9. Prior to and during the operation of the proposal the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) at the nearest sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

- The noise level shall not exceed 82dB LAeq, 15 minute, within the internal plant rooms.

Reason: In the interests of residential amenity

10. The external courtyard areas must not be used as a communal space by students between the hours of 23.00hrs and 07.00hrs.

Reason: In order to protect future occupants of the proposed development against noise disturbance.

11. No deliveries to or collections from the retail unit shall take place between the following hours 23.00hrs and 07.00hrs.

Reason: In the interests of amenity

12. Prior to commencement of any part of the development, a construction dust, noise and vibration management plan shall be submitted to and agreed with by the Local Planning Authority. This plan shall outline the methods to be employed to minimise any dust, noise and vibration impact of construction operations demonstrating 'best practicable means'. The plan shall be in accordance with BS5228:2009 Noise and Vibration Control on Construction and open sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Demolition and construction works should be carried out in line with the approved plan. No variation implemented without consent of the Local Planning Authority.

Reason: Protection of amenity

Informative

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that prior to commencement of operation of the development, the applicant must submit a Final Management Plan to be agreed and approved by the Council in writing. Evidence must be submitted that the Management Plan will be delivered by a competent PBSA operator with a proven track record in managing this type of accommodation. The Final Management Plan must demonstrate compliance with a government approved accreditation scheme for purpose built student accommodation such as ANUK/UNIPOL National Code of Standards or the Universities UK/HE Guild Management code and provide detailed arrangements to address the following matters:

Noise Control and tenant behaviour;

Measures for controlling hours of use and potential noise disturbance from the use of the proposed external amenity space;

Proposed Liaison arrangements with the relevant education institutes, the Council and the PSNI in relation to tenant behaviour;

Travel Plan for staff and students;

General management operations;

Servicing; security features; CCTV; Lighting; Intercoms; Soundproofing.

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that within the first year of commencement of operation of the development the Applicant must submit to Belfast City Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

ANNEX	
Date Valid	8 th December 2017
Date First Advertised	29 th December 2017
Date Last Advertised	14 th December 2018
Date of Last Neighbour Notification	6 th December 2018
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme).</p> <p>Planning permission refused: 21.11.2016</p>	
<p>Notification to Department (if relevant): N/A</p> <p>Date of Notification to Department: Response of Department:</p>	