# Development Management Officer Report Committee Application

# Summary

Committee Meeting Date: 19 January 2016

**Application ID:** LA04/2015/0676/F

# Proposal:

Demolition of existing warehouse and construction of Managed Purpose Built Student Accommodation comprising: 78 Apartments containing 408 en-suite Bedrooms with shared living rooms and kitchens and 10 Studio Apartments containing 36 self contained Studios on ground and 10 upper storeys, a landscaped central courtyard atrium amenity space and a management reception office at ground level; a basement level containing 22 car parking spaces, 104 cycle spaces, changing area and showers, gymnasium, games room, TV room and laundry for exclusive use of residents; ancillary plant rooms and storage including bin storage and a car lift accessed from Kent Street (Additional Supporting Information)

#### Location:

Land bounded by Library Street Stephen Street and Kent Street Belfast BT1 2JJ

Referral Route: Major Application

Recommendation: Refusal

# Applicant Name and Address:

Car Park Services Ltd. and Slaney Ltd. 36 Great Patrick Street Belfast BT1 2LT

# Agent Name and Address:

Andrew Nesbitt Architects Carnegie Studio Library Hill 121 Donegall Road Belfast BT12 5JL

# **Executive Summary:**

The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan and is identified as being with Belfast City Centre and on a HMO Node. It is also located in Character Area CC 010 Scotch and Cathedral Quarter.

The main issues to be considered in this case are:

- The principle of the redevelopment and proposed use at this location;
- Height, Scale, Massing and Design:
- Impact on amenity; and
- Traffic Movement and Parking.

The site is located on unzoned (white) land approximately 300 metres away from the new

University of Ulster campus and is within a mixed use area. The principle of Purpose Built Managed Student Accommodation (PBMSA) is acceptable at this location providing other relevant planning matters are considered and assessed.

The proposed height, scale and massing of the development is considered unacceptable as it fails to take account of its immediate context that includes the impact on 2 1/2 storey residential dwellings in Stephen Street.

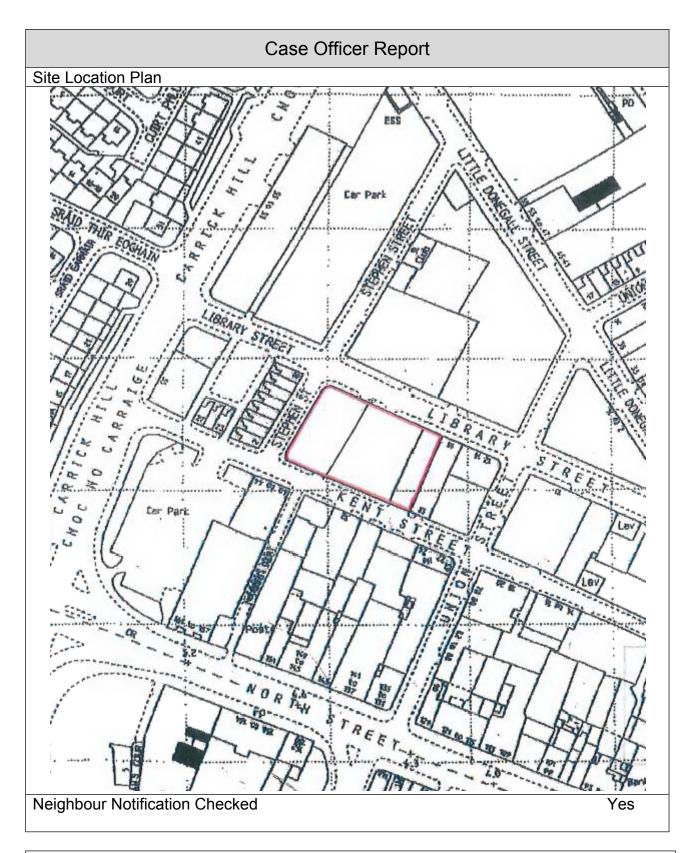
In terms of amenity it is considered that the proposed development will result in an unacceptable damage to the residential amenity of residents in Stephen Street through dominance, loss of light and overshadowing.

Belfast City Council's Environmental Protection Unit, NIWater and NIEA have offered no objections in principle with the scheme, subject to conditions.

Transport NI has requested further information; it would expected that the issues raised are resolvable.

The application has been neighbour notified and advertised in the local press. No letters of objection have been received.

Having regard to BMAP, to the policy context and other material considerations, the proposal is considered unacceptable and refusal is therefore recommended.



# **Characteristics of the Site and Area**

1.0 Description of Proposed Development

Demolition of existing warehouse and construction of Purpose Built Managed Student Accommodation (PBMSA) comprising: 78 Apartments containing 408 en-suite Bedrooms with shared living rooms and kitchens and 10 Studio Apartments containing 36 self

contained Studios on ground and 10 upper storeys, a landscaped central courtyard atrium amenity space and a management reception office at ground level; a basement level containing 22 car parking spaces, 104 cycle spaces, changing area and showers, gymnasium, games room, TV room and laundry for exclusive use of residents; ancillary plant rooms and storage including bin storage and a car lift accessed from Kent Street.

# 2.0 Description of Site

The site consists of a surface level car park and a red brick warehouse building. Adjoining to the east of the application site is a 9 storey apartment development. Across Stephen Street is a row of 2 ½ storey terrace dwellings. The site is relatively flat throughout.

# Planning Assessment of Policy and other Material Considerations

# 3.0 Planning History

#### On this site

Z/2010/1632/O- Demolition of existing warehouse and construction of eight storey residential development comprising 93 apartments with basement parking below and associated landscaping at land bounded by Library Street, Stephen Street and Kent Street, Belfast, BT1 2JJ

# Approved

Decision Date: 19.06.2012

#### LA04/2015/0577/O

Proposal: Application for a mixed use regeneration project comprising community, residential, commercial, local retail, leisure and managed student accommodation uses and areas of public realm.

Address: Lands located within the DSD Northside Development Area principally those located within the Clifton Street Gateway and Press / Library Quarter. Clifton Street Gateway includes lands bounded by Clifton Street

Regent Street the Westlink and Trinity Street. Press / Library Quarter includes lands bounded by Donegall Street

This application is pending the submission of an Environmental Statement.

# Adjacent to the Site

Z/2008/0655/F- Mixed use development comprising of 253 no. apartments, retail units and associated basement car parking at land bounded by Library Street, Stephen Street, Little Donegall Street, Union Street, Belfast.

#### Approved

Decision Date: 25.06.2009

# 4.0 Policy Framework

4.1 Belfast Metropolitan Area Plan 2015

Policy UE 1 - Urban design

House in Multiple Occupancy Subject Plan 2015

HMO 3- HMO Nodes

HMO 4- Nodes

HMO 7- Large Scale Purpose Built Student Accommodation

4.0				
4.2	Strategic Planning Policy Statement for Northern Ireland			
	Planning Policy Statement 3: Access Movement and Parking			
	Planning Policy Statement 7: Quality Residential Environments			
5.0	Planning Policy Statement 15: Planning and Flood Risk			
5.0	Statutory Consultee Responses  Transport NI- Requesting additional information			
	NIWater- No objections;			
	NIEA- Waste Management- No Objection subject to conditions;			
	NIEA- Natural Environment Division- No Objections			
	NIEA- Protecting Historic Buildings- No Objections			
6.0	Rivers Agency- No Objections			
0.0	Non Statutory Consultee Responses  Belfast City Council EPU- No Objections subject to conditions			
7.0	Representations			
7.0	Representations			
	The application has been neighbour notified and advertised in the local press. No letters of			
	objection have been received.			
	objection have been received.			
8.0	Other Material Considerations			
8.1	Planning and Place Advice Note: Purpose Built Managed Student Accommodation			
8.2	BELFAST: A LEARNING CITY A framework for student housing and purpose built student			
	accommodation			
9.0	Assessment			
9.1	The key issues in the assessment of the proposed development include:			
	The principle of the development at this location;			
	Scale, Massing and Design;			
	• Impact on amenity; and			
	Traffic Movement and Parking			
	Tranic Movement and Farking			
9.2	The Strategic Planning Policy Statement (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 paras 4.23-7 stress the importance of good design.			
	Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS			
	states PPS3 and PPS7 remain applicable under 'transitional arrangements'.			
9.3	Due to the nature of the proposal, the Belfast Metropolitan Area Plan (BMAP) and the			
	Houses of Multiple Occupation (HMO) Subject Plan are also significant policy			
	considerations.			
	Principle of proposed development			
9.4	The site is located within the development limits of Belfast in BMAP and is located within			
	the City Centre. It is within walking distance to the University of Ulster and abuts a HMO			
	node in the HMO Subject Plan- Ref: 04/17. It is therefore considered an acceptable			
	location for student accommodation in principle.			
	DMAD 0045			
	BMAP 2015			
9.5	The site is located within Character Area CC 010 Scotch and Cathedral Quarter. The			
9.5	The site is located within character Area CC 010 Scotch and Cathedral Qualter. The			

general urban design criteria under Designation CC 010 states that the *density of* development in the area shall be maintained and increased, where appropriate, through high site coverage and high plot ratio and 'development proposal shall take account of the height of adjoining buildings'.

In regards to the more specific street frontages the Urban Design Criteria states that 'building heights shall be a minimum of 3 storeys and a maximum of 4 storeys, or 5 storeys with use of setback.....; and development shall reflect traditional plot widths'.

The development consists of 11 storey building with a ridge height of 34 metres. The 10<sup>th</sup> and 11th floor are slightly recessed back and designed in a contrasting metal roof. There is a slight set back on second floor also.

The urban design criterion (above) is one of a number of considerations which need to be assessed. It should be attributed significant weight as it is incorporated in BMAP, the statutory development plan with the plan led system. The development sits relatively comfortably with the adjoining apartment development to the east. However, it does not take account of the domestic scale of the 2  $\frac{1}{2}$  storey terrace dwellings opposite the site in Stephen Street. The scheme shows a tokenistic 1.4 metre set back on the second floor which does not address the issue. As the 2  $\frac{1}{2}$  storey dwellings contribute to the character of area it is considered that the proposal is out of context.

The applicant is relying heavily on the extant outline planning permission Z/2010/1632/O. This permitted an 8 storey apartment development. Planning permission was granted on 19<sup>th</sup> June 2012. It is acknowledged that the 8 storey outline approval is a poor decision and one which does not take account of the domestic scale residential dwellings opposite on Stephen Street. In considering this proposal it is recommended that Committee gives greater weight to adoption of BMAP; to the adverse impact on residential amenity and less weight to the planning history.

The fact that the proposed development is 3 storeys more than the outline approval expressly confirms that it fails to take account of its immediate context and in particular the  $2\frac{1}{2}$  storey terrace dwellings in Stephen Street.

#### HMO Subject Plan 2015

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The proposal has been assessed against Policy HMO 7 of the HMO Subject Plan. This Policy sets out 5 criteria which must be met in order to be acceptable. All criteria are met. The scheme is in excess of 50 units. All units are self contained, the proposal is not located in a wholly residential area; provision is made for the management and there is ample landscaping and amenity space provided. The proposal therefore complies with HMO 7.

# Assessment against Planning & Places guidance on PBMSA

Planning and Place's guidance document titled 'Purpose Built Managed Student Accommodation' 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 consist 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.

Criterion (a)

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9.13

In regards to the first criterion the development is within 100 metres of the new University of Ulster Campus. The site is also located within 8 minutes walking distance of the Belfast Metropolitan College. Bus stops are located around 100 metres away from the development on North Street and Millfield. It is therefore accepted that the proposal complies with criterion (a).

Criterion (b)

9.14

Criterion (b) requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located approximately 50 metres away from Carrick Hill Protect Housing Area as identified in BMAP. Whilst PBSMA could be considered a form of residential accommodation, the scale and impact of PBSMA is likely to be incompatible with existing residential communities. Whilst this may be the case in some instances it is, however, considered in this instance that the proposed development is located an adequate distance away so as not to have a negative impact on this area. In any case students have no need to pass through this area as the Colleges are all located in the opposite direction.

9.15

In regards to other policy designations to the City Centre the site is not located with a Conservation Area nor the Primary Retail Core. The development site is adequately removed from the nearest listed buildings so as not to have an impact on its setting. The proposal complies with criterion (b).

Criterion (c)

9.16

In regards to criterion (c), it is considered that the layout, design and facilities provided within the development are of high standards. The entrances to the PBSMA are located on Library Street away from the residential dwellings in Stephen Street. There is a Reception Desk at the entrance to the development and there is a large landscaping area on the ground floor for amenity purposes. There is adequate outlook from bedrooms either over the street or the internal landscaped courtyards and in that regard it is considered acceptable.

9.17

In terms of open space provision, it is acknowledged that 'Creating Places- Achieving Quality in New Residential Developments' suggests that adequate provision would range from 10-30 sq metres, with inner urban areas tending towards the lower end figure. The outdoor landscape courtyards provide around 200sq metres which is not sufficient for the needs of 442 students. However, it is considered that a flexible approach should be applied when considering planning applications for PBMSA in the City Centre and that the common room / break out areas gyms should be incorporated into the overall open space provision. Taking this into account the combined level of provision (landscaped area and gym in the basement) is considered acceptable.

9.18

The development proposes 22 car parking spaces which is considerably below the 1 to 1 amount required according to the DOE published Parking Standards read in conjunction with PPS 3. However the applicant has provided a detailed Travel Plan seeking to justify a relaxation of the standard based on alternative transport arrangements and the proximity of the development to the new University of Ulster Campus. Taking into account the proximity of the University of Ulster and the Belfast Metropolitan College and given the site's City Centre location, it considered that the applicant has adequately addressed the shortfall in parking provision.

9.19

The accommodation proposed exceeds the standards set out in NI Housing Executive HMO standards – single rooms are approximately 13.5sqm (6.5sqm NIHE standard),

studio apartments are approximately 22sqm (9sqm NIHE standard). Communal living areas are all 20 sqm. Provision is therefore compliant with the space standards.

# 9.20 Criterion (d)

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 located directly opposite a row of 2 ½ storey terrace dwellings. These dwellings are a mere 10 metres away. The guidance document states that 'residential amenity needs to be protected in areas where multiple occupation is, or is likely to become, concentrated. ensuring that there is not unacceptable adverse effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance, etc. It further states that this will be particularly relevant for proposals on the edge of the city centre or in the vicinity of existing residential communities'. The bulk, scale and massing of the proposal will result in unacceptable damage to the residential amenity of these The applicant is arguing properties through dominance, loss of light and overshadowing. that the upper floors of the building have been set back from second floor level up, reducing the massing and impact on the dwellings in Stephen Street. It is considered that the set back is tokenistic and in no way alleviates the adverse impact that the proposal would have if permitted. The applicant has submitted a day light and sunlight analysis which goes into considerable detail. However it is clear from the height, scale and massing of the proposed development that overshadowing will have a major impact during the early to mid morning. It is therefore considered that the proposal fails to comply with criterion (d).

9.21

The applicant as part of the management plan is proposing an onsite management team consisting of a full time Manager, student wardens with appropriate security and cleaning and maintenance. The applicant / end user also proposes a range of operational restrictions such as students complying with the terms and conditions of the Tenancy Agreements and Codes of Conduct. The Management Plan whilst only in Draft form covers a number of elements to ensure that the end use will run smoothly and does not adversely impact on existing or proposed residents. Subject to a Section 76 legal Agreement - it is considered that the proposed management plan would be robustly comprehensive to ensure that impacts to existing and prospective residents will be minimal.

9.22

The PBMSA guidance document makes reference to the cumulative impact of how an overconcentration relative to the wider community can lead to an imbalance ultimately resulting in harm to residential amenity. However the site is located on a HMO Node which has specifically been identified in the HMO Subject Plan as an area that can accommodate higher density residential developments with a lower impact on traditional areas. Whilst this may be the case the scheme needs to take account of its immediate setting and it is clear that the development proposal fails in this regard, given the adverse impact it would cause to the properties in Stephen Street, if permitted.

9.23

#### Criterion (e)

Criterion (e) 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. The main elements of the draft Management Plan include the full time management of the building by dedicated staff, restricted and secure access via Library Street, secure parking, the long term maintenance of the development including Fire Risk Assessments and Health and Safety Risk Assessments as well and 24hr management with CCTV. If the development is considered acceptable the management plan could be secured by a Section 76 Agreement.

9.24

# Criterion (f)

Criterion (f) established that planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. The applicant has submitted a statement of need. The statement argues that the relocation of the new University has resulted in an identifiable need with up to 4500 student beds required. The applicant has also made reference to Belfast City Council's report 'Belfast: A Learning City', published in March 2014 and its conclusions that there is a need for PBMSA in the City.

9.25

### PPS7 – Design, character and appearance of Area and amenity

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. The policy sets out nine criteria which all residential development proposals are expected to meet. Set out in paragraph 9.5-9.7 above for assessment of the proposal in relation to height, scale and massing.

9.26

The proposed design is consistent with the area, incorporating a similar, fenestration, and solid to void ratios. A palette of materials that includes red brick with a contrasting metal roof is proposed. To ensure acceptable materials, a could be condition be attached to any approval requesting details of the external finishes to be submitted to Belfast City Council for agreement. The proposed design is therefore compliant with criteria [g] of PPS7.

# Impact on Residential Amenity

9.27

The proposal fails to comply with criterion (h) of Policy QD 1. The development, if permitted, would result in unacceptable damage to the residential amenity of the existing dwellings in Stephen Street through unacceptable loss of light, overshadowing and dominance. The planning history on the site is acknowledged however, that permission was granted before the adoption of BMAP and it is considered that the previous approval on the site did not fully and adequately take into account the potential impacts on adjacent residential properties.

#### Other Considerations

# Bin Storage

9.28

In regards to bin storage, the applicant has shown an area on the ground floor layout. The level of provision is clearly insufficient. However there is scope to increase this area and if Commitee was minded to approve this proposal a negative condition could be attached to ensure an adequate waste management strategy is delivered for the collection and disposal of waste.

#### Traffic and Parking

9.29

The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. Whilst Transport Ni have not formally accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate car parking, it could reasonably be anticipated that given the location within the City Centre and its proximity to

the main educational campuses and arterial routes / public transport that any outstanding matters could be overcome.

9.30

# Contaminated Land

It is noted that the submitted PM Ltd report No:PM15-1085 comprises a review of an earlier Contamination Assessment carried out by Pentland MacDonald report in 2011 submitted in support of a development of 98 apartments (Z/2010/1632/O).

The updated 2015 PM Ltd report advises that laboratory analysis results for soil and groundwater sampling conducted in 2011 were re-assessed against the most up to date assessment criteria and results confirmed on-site soils pose no unacceptable risks to human health (based on a residential without home-grown produce land-use). The report advises that water screening values not available at the time of the 2011 report have been used to compare the groundwater results and the report confirms no volatile contaminants were detected and therefore no risks posed by vapours emitted from groundwater. The updated PM Ltd report also advises there has been no land uses on site in the intervening period between 2011 and 2015 that could have impacted land or groundwater quality.

In relation to ground gas on site, the updated PM Ltd report advises no unacceptable risks are likely to be posed by ground gases at the site.

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#### **Developer Contributions**

The applicant has suggested a figure for potential developer contributions. In their submission dated November 2015 and titled 'Response to Planning and Place Advice Note: PBMSA' the applicant has stated that by way of betterment for the area the scheme also proposes to upgrade the finishes of the external footway to tie in with the nearby Belfast 'Streets Ahead' project. This element of planning gain for the area is commensurate to a developer contribution insofar as it goes above and beyond what is required to progress the scheme, but is intended to improve the outlook along the street network and aid the areas regeneration. This will involve tying in with the proposed 'Streets Ahead project. As the proposal fails to comply with a number of policy criteria it was considered inappropriate to enter into negotiations regarding developer contributions.

# 10.0 Summary of Recommendation: Refusal

Having regard to the development plan, relevant planning policies, and other material considerations, it is determined that the development will result in harm to the interests of acknowledged importance. Refusal is therefore recommended.

# 11.0 Reasons for Refusal

- 1. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, result in unacceptable damage to the residential amenity of existing dwellings in Stephen Street through dominance, overshadowing and loss of light as a result of the proposed height, scale and mass of the building
- 2. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, result in unacceptable damage to the character of the area by introducing an unsympathetic built form in close proximity to established 2 ½ storey residential properties.

	3.	
12.0	Notification to Department (if relevant)	
	N/A	
13.0	Representations from Elected members:	
	None	

ANNEX			
Date Valid	29th June 2015		
Date First Advertised	31st July 2015		
Date Last Advertised	18th December 2015		

# **Details of Neighbour Notification** (all addresses)

The Owner/Occupier,

1,2A Kent Street, Town Parks, Belfast, Antrim, BT1 2JA,

The Owner/Occupier,

10 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

12 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

13 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

14 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

157-161, North Street, Town Parks, Belfast, Antrim, BT1 1NE,

The Owner/Occupier,

16 Library Street, Town Parks, Belfast, Antrim, BT1 2JB,

The Owner/Occupier,

16 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

2 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE.

The Owner/Occupier,

32 Kent Street, Town Parks, Belfast, Antrim, BT1 2JA,

The Owner/Occupier,

4 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier.

5-11, Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

6 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

The Owner/Occupier,

8 Stephen Street, Town Parks, Belfast, Antrim, BT1 2JE,

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Apartment 1a,13 Kent Street, Town Parks, Belfast, Antrim, BT1 2JA,

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Apartment 1d,13 Kent Street, Town Parks, Belfast, Antrim, BT1 2JA,

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Apartment 1e,13 Kent Street, Town Parks, Belfast, Antrim, BT1 2JA,

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Apartment 1e,13 Kent Street, Town Parks, Belfast, Antrim, BT1 2JJ,

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Apartment 1f,13 Kent Street, Town Parks, Belfast, Antrim, BT1 2JA, The Owner/Occupier.

Apartment 1g,13 Kent Street,Town Parks,Belfast,Antrim,BT1 2JA, The Owner/Occupier,

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The Owner/Occupier,

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The Owner/Occupier,

Mckibbens Court, Town Parks, Antrim,,

Date of Last Neighbour Notification	3rd August 2015
Date of EIA Determination	N/A
ES Requested	No

# **Planning History**

Ref ID: Z/2003/3077/F

Proposal: Demolition of existing buildings and construction of an eight storey

development with ground floor parking and bookmakers shop and apartments on the

upper floors

Address: 12-16 Library Street/ 13 Kent Street, Belfast, BT1 2JB

Decision:

Decision Date: 16.06.2004

Ref ID: Z/2001/2655/F

Proposal: Erection of seven storey building to provide a new youth facility building for young people and those who engage with young people for The Extern Organisation & Youth Action (NI). Accommodation to include a workshop, training rooms, conference facilities, offices and cafe.

Address: Chatham House, 28-30 Library Street, Belfast, BT1 2JB (Rear Access from Kent Street)

Decision:

Decision Date: 23.05.2002

Ref ID: Z/2010/1632/O

Proposal: Demolition of existing warehouse and construction of eight storey residential development comprising 93 apartments with basement parking below and associated landscaping (amended plans).

Address: Land bounded by Library Street, Stephen Street and Kent Street, Belfast, BT1

2JJ,

Decision: PG

Decision Date: 19.06.2012

Ref ID: LA04/2015/0577/O

Proposal: Application for a mixed use regeneration project comprising community, residential, commercial, local retail, leisure and managed student accommodation uses and areas of public realm.

Address: Lands located within the DSD Northside Development Area

principally those located within the Clifton Street Gateway and Press / Library Quarter.

Clifton Street Gateway includes lands bounded by Clifton Street

Regent Street, Westlink and Trinity Street. Press / Library Quarter includes lands

bounded by Donegall Street
Drawing Numbers and Title
01-16