

Development Management Case Officer Report Deferred Committee Application

Summary	
Committee Meeting Date: 15 March 2016	
Application ID: LA04/2015/1175/F	
Proposal: Construction of a purpose built managed student accommodation (8 storey block) consisting of 156 studio rooms, reception/management suite, common room space, bike and general storage area.	Location: Lands at 78-86 Dublin Road Belfast BT2 7BY
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Lacuna Dublin Road Ltd Centre House 4 High Street Holywood BT18 9AZ	Agent Name and Address: Turley 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>The application seeks full planning permission for a purpose built managed student accommodation block, with a height of 8 storeys containing 156 studio rooms, reception/management suite, common room space, bike and general storage area.</p> <p>The application was presented to the Town Planning Committee on 23 February 2016 with an opinion to approve and was deferred by members for a site visit.</p> <p>Members wanted to visit the site to assess issues which had been raised in respect of the size and scale of the proposed building, together with its potential impact on surrounding residential areas. Members are directed to the full detailed planning report below.</p> <p>Members visited the site on 27 February 2016 and no new evidence was presented or considered.</p> <p>No further representations or information have been received</p> <p>Recommendation</p> <p>That the proposal is recommended for approval subject to conditions set out below and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions.</p> <p>If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to enter into the Section 76 agreement.</p>	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 Feb 2016	
Application ID: LA04/2015/1175/F	
Proposal: Construction of a purpose built managed student accommodation (8 storey block) consisting of 156 studio rooms, reception/management suite, common room space, bike and general storage area.	Location: Lands at 78-86 Dublin Road Belfast BT2 7BY
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Lacuna Dublin Road Ltd Centre House 4 High Street Holywood BT18 9AZ	Agent Name and Address: Turley 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: The application seeks full planning permission for a purpose built managed student accommodation block, with a height of 8 storeys containing 56 studio rooms, reception/management suite, common room space, bike and general storage area.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The acceptability of purpose built student accommodation at this location; and the acceptability of a retail unit at this location; • Impact upon the character and appearance of the Linen Conservation Area of demolition and re-development • Impact upon setting of adjacent listed buildings; • Environmental Impacts - Contaminated Land, Flooding / Drainage and Noise Impact • The impact on existing roads infrastructure; <p>The site is located on unzoned (whitelands) immediately west of a City Centre Protected Housing Area (Donegal Pass (North) (CC021/05) as designated in Belfast Metropolitan Area Plan ('BMAP') and within the Shaftsbury Square Character Area (CC013). The site is also located on a HMO Node (HMO 4/14) as designated in BMAP (Map No. 8 Belfast City Centre)</p> <p>The principle of Purpose Built Student Accommodation (PBSA) is acceptable at this location. The site is located on unzoned (white) land, within close proximity to Great Victoria Street transport Hub and well located to serve both Queen's University and the new University of Ulster Campus.</p> <p>In terms of height, scale, massing and design the proposed building is considered acceptable. The building shoulder height is only slightly higher than that recommended in the Belfast Metropolitan Area Plan, the overall height of the building does exceed the guidance as set out in BMAP for the</p>	

Shaftsbury Square Character Area however, at this location given the scale and context of the Dublin Road streetscape, the fact that the building is one storey higher than the recommended 7 storeys should not result in a structure that is significantly out of keeping with the Dublin Road context.

The building steps down significantly to the rear of the site to address the relationship with the domestic scale residential properties along Pakenham Street. The design, with a mix of contemporary glazed, aluminium and red bricked finishes reflects the sites transitional location between the high rise contemporary mix along the Dublin Road and the traditional red brick residential terraces in Pakenham Street.

57 letters of objection have been received. Concerns were raised regarding a range of matters including: - Impact on residential amenity in terms of height, scale, overbearing, overlooking and dominance; Noise and anti-social behaviour; parking provision; drainage; alternative off season uses proposed; Oversaturation of PBSA in the area and impact on community relations; these matters are dealt with in the case officers report.

Transport NI, NIWater, Waste Management Unit, NIEA Historic Buildings and Historic Monuments Units, Rivers Agency and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

The proposal has been assessed against – the Belfast Metropolitan Area Plan; and relevant planning Policies contained within the Strategic Planning Policy for Northern Ireland, Planning Policy Statement 3: Access Movement and Parking, Planning Policy Statement 6: Planning, Archaeology, Planning Policy Statement 7 – Quality Residential Environments' and Planning Policy Statement 15 (Revised) – Planning and Flood Risk. The proposed is considered to be in accordance with the Belfast Metropolitan Area Plan, relevant planning policies, and other material considerations.

In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council both to provide certainty around the management of the accommodation and to provide contributions to local environmental improvements.

Recommendation

Approve subject to conditions set out in case officers report and pending satisfactory agreement to developer contributions under Section 76 of the Planning Act (NI) 2011

If members are minded to approve the application it is also requested that authority is delegated to the Director of Planning and Place, on behalf of the Council in consultation with Legal Services, to enter into the Section 76 agreement.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development Construction of an 8 storey block of purpose built managed student accommodation (PBMSA) consisting of 156 studio rooms, reception/management suite, common room space, bike and general storage area.</p> <p>The building fronts onto Dublin Road with a 6 storey frontage, predominantly red bricked with a shoulder height of 17.75m, with two upper floors set back 3m with an aluminium cladding finish. The overall height of the building is 23.1m.</p> <p>The building has a proposed depth of 28.6 m with the predominant finish of the upper floors onto Pakenham Street and Fulton Street being aluminium cladding, with the double height ground floor predominantly red brick. For the last 6.7m the building steps down from 8 to 4 storeys with the rear element having a ridge height of 12m. The rear of the building exhibits a U-shaped form to enable the provision of an enclosed open space area.</p> <p>The rear of this garden area is enclosed by a 1.8m high red bricked wall onto the narrow street which runs between Pakenham Street and Fulton Street.</p>
2.0	<p>Description of Site The site is located at junction of Dublin Road, Pakenham Street and Fulton Street and has an area of approximately 0.1 hectares. The site has been recently cleared with the 3 storey building which occupied the site having recently been demolished. This previous L-shaped building fronted directly onto footpath on Dublin Road with an enclosed yard in the rear corner of the site on the Pakenham Street side.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Planning History No relevant planning history on the site. Three storey L-shaped office building previously on site.</p>
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Metropolitan Area Plan 2015 Policy HOU4 Protected Housing Areas in City and Town Centres Policy TRAN 1 Parking Standards with Areas of Parking Restraint.</p>
4.2	<p>Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Revised Planning Policy Statement 15 – Planning and Flood Risk HMO Subject Plan 2015 Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note Belfast: A Framework for student housing and purpose built student accommodation</p>
5.0	<p>Statutory Consultees Transport NI – No objection subject to conditions Rivers Agency – Further info requested NI Water – No objection</p>
6.0	<p>Non-Statutory Consultees</p>

	Environmental Health BCC – No objection subject to conditions
7.0	<p>Representations</p> <p>57 letters of objection were received. Concerns were raised regarding a range of matters. Summary of Issues raised:</p> <ul style="list-style-type: none"> - Impact on residential amenity in terms of overbearing, overlooking and dominance - Height contrary to BMAP urban design criteria (7 storey maximum height) - Scale and density out of keeping with area; - Noise and anti-social behaviour; - Lack of natural surveillance; - Potential structural damage to adjacent buildings due to construction works; - Impact on amenity of existing public open space; - Inadequacies in proposed Management Plan; - Inadequate parking provision; - Detrimental impact on traffic and access to local streets; - Impact on existing on-street parking; - No information on alternative uses during the holiday periods; - Damage to paving during construction/demolition and no plans to improve; - Inadequacies in current drainage and additional problems as a result of development; - No alternative off season uses proposed; - Impact on community relations; - Oversaturation of PBSA in the area; - Impact on sewage system; - Overdevelopment of site; and - Disruption during demolition/ construction.
8.0	<p>Other Material Considerations</p> <p>N/A</p>
9.0	<p>Assessment</p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The acceptability of purpose built student accommodation at this location; • Impact on residential amenity • Impact on Character of Area • Contaminated Land • Noise Impact • Bin Storage • The impact on existing roads infrastructure; • Flooding
9.2	<p>Principle of Redeveloping the Site & Height, Scale and Mass</p> <p>The site is located within the development limits of the Belfast Metropolitan Area Plan (BMAP). The presumption is therefore in favour of development subject to the planning considerations detailed below.</p> <p>The site is located on unzoned (whiteland) immediately west of a City Centre Protected Housing Area (Donegal Pass (North)) (CC021/05) as designated in BMAP and within the Shaftsbury Square Character Area (CC013). The site is also located on a HMO Node (HMO 4/14) as designated in BMAP (Map No. 8 Belfast City Centre)</p> <p>The site is located within the Shaftsbury Square Character Area as designated in BMAP. This sets out a number of urban design criteria for the area.</p> <p>One of the criteria would refer specifically to this site that any development which fronts onto the</p>

Dublin Road shall be a minimum building height of 5 storeys, or 17m to building shoulder height, and a maximum height of 7 storeys. Policy UE1 of The Plan Strategy and Framework (Volume 1) states that planning permission will only be given to development proposals which are in general accordance with these urban design criteria.

The proposal, with its 8 storey height, is a storey beyond what is acceptable in this Character Area. The 8th floor is set back by 3m (with a depth of 29m, approx 2/3 of the buildings overall depth), one storey higher than that recommended in BMAP. The shoulder height of 17.75 is $\frac{3}{4}$ of a metre higher than the maximum recommended shoulder height. The 0.75m higher shoulder height should prove to be marginal to the extent that it can be absorbed into the broader context of the Dublin Road and would not have any significant impact on the character of the Dublin Road. It is considered, that the increase in height is not impact unduly in that it forms part of the overall design concept with setbacks to the upper floor and to the rear of the site adjacent to the residential street and that on balance in terms of scale and mass is acceptable.

9.3 **Proposed Use as Purpose Built Managed Student Accommodation (PBMSA)**

The proposal has been assessed against Policy HMO 7 of the Subject Plan for Belfast City Council Area 2015. The site is located within the Dublin Road/ Great Victoria Street HMO Development Node HMO 4/14 as designated in BMAP.

Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating: Planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:

- Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants. This will not preclude proposals for smaller incremental extensions or consolidations of existing halls of residence and phased development of larger schemes.

The proposal is for 156 units. Therefore this criteria is met.

- All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers). Kitchen and en-suite bathroom facilities within each unit.

- The location is not within a primarily residential area

The site is located within the city centre on a main arterial route and immediately adjacent to a 'City Centre Gateway' site. The area to the front of the site is characterised by mixed commercial uses, bank, offices, coffee shops / restaurants. To the rear of the site there is a residential area set out in terraced streets and is designated as a City Centre Protected Housing Area (Donegal Pass (North)). There are no residential areas to the front or opposite the site or to the side of the site. Whilst the site abuts a predominantly residential area it is not within an established residential area nor was there previously residential use on the site.

Whilst the site is not within a primarily residential area, when assessing the use as PBMSA located in proximity to a residential area, it is necessary to ensure there is no undue impact on amenity for existing residents.

- Provision is made for management of all accommodation. This may require an Article 40 agreement with Planning Service (Section 76 under the Planning Act (Northern Ireland 2015))

A management plan, prepared by Fresh Student Living, has been submitted in support of the application. There are numerous procedures set out:

- An on-site management team to be put in place
- Operational restrictions to prevent impact on residents regarding deliveries, rubbish

collection, tenancy agreements and codes of conduct.

- Thorough complaints procedure and accommodation manager

The supporting planning statement makes reference to the fact that Fresh Student Living is a nationally recognised provider and operator of purpose built student accommodation with a number of existing and proposed schemes.

A draft Section 76 Agreement has also been submitted with the application. Part of the draft agreement states that there will be a commitment to submit the management plan to Belfast City Council (the Council) for approval prior to commencement of development and to implement all measures identified in the plan, and to undertake a review of the plan and submit this to the council.

- Landscaping and amenity space is provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.

An enclosed garden, of approx 110 square metres is located to the rear of the scheme with a number of benches and proposed planting.

9.4 The proposal has been assessed against the Council's document 'Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note'.

This document is the Council's first step as a planning authority to respond to the Strategic Planning Policy Statement's (SPPS) stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy it is a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to.

9.4.1 Criteria (a)

In regards to the first criterion the site lies approximately 1.8km south of the new University of Ulster campus and approximately 1km south of the Belfast Metropolitan College (Millfield) both within a 10-20 minute walking distance. With Queens University located approximately 600m north of Queens University 5minute walking distance. Bus stops are located within 100m of the site with buses operating every 10 metres during peak times. The Europa Bus and Rail Centre is located approximately 600m north-west of the site. As the proposal is likely to be for students that will attend both Queens University and the University of Ulster it is ideally located within the city centre and complies with criterion (a). The Travel Plan which accompanied the planning application includes a number of measures to encourage the use of alternatives modes of transport other than the private car.

9.4.2 Criterion (b)

Requires the need to assess the proposal in relation to policy designations specific to the city centre. The proposal is located immediately west of Donegal Pass (North), a protected housing area. Whilst PBSMA could be considered a form of residential accommodation the scale and nature of PBSMA could potentially make it incompatible with existing residential communities.

The proposal is located within the Dublin Road/ Great Victoria Street HMO Node as designated in the HMO Subject Plan for Belfast City Council Area 2015. Although such a node may be acceptable for PBMSA the acceptability of the proposal must also be considered in line with wider environmental impacts, such as impact on residential amenity. It is considered a robust management plan is essential with these applications to deal with noise, nuisance and general disturbance and to give assurances around potential for anti-social behaviour and the conduct expected from a student population.

In terms of design compatibility the juxtaposition of the proposed block with existing residential properties, given its scale and potentially high numbers of residents would have the potential to

<p>9.4.3</p>	<p>impact on the amenity of the area. However the building is stepped down towards the two storey terraced properties along Pakenham Street, with the 8 storey element of the building approximately 15.5m away from the rear of No.2 Pakenham Street (the closest residential property). The four storey return along Pakenham Street is approximately 8m from the gable of this dwelling and runs flush with the rear return of the existing dwelling and thus does not directly overbear or overlook the amenity area to the rear of this row of dwellings.</p> <p><u>Criterion (c)</u> The proposed building is a storey higher than that recommended in the Urban Design Criteria for the Shaftsbury Square Character Area. However the building shoulder height is only 0.75m higher than the recommended maximum. This ensures that the proposal respects the Dublin Road context with a number of high buildings of varying age and design defining the immediate character. The building shoulder height sits very favourably with the existing buildings on each side, approx 1.6m higher than the building to the north on the other side of Pakenham Street and approx 2.1m lower than the building immediately south to other side of Fulton Street. In terms of overall height the building sits approx 4m higher than the former and approx 6m lower than the latter, albeit the highest part of Equality House is located approx 32m from the edge of the site. The scale of the building also ties in with the neighbouring 'gateway sites', which BMAP recommends should be developed to a maximum 8 storey height. The proposal is in keeping with the established character along Dublin Road. The building then steps down to the rear to reflect the juxtaposition with the two storey terraced dwellings along Pakenham Street. This mirrors the relationship which exists to the other side of Pakenham Street with the four storeys of the EU Commissioners building located adjacent to the established two storey terraced properties.</p> <p>In terms of the specified space standards the smallest units have dimensions of approximately 3m x 6.5m, which is well above the 9 square metres standard for combined kitchen/ dining room areas serving 1-2 people.</p>
<p>9.4.4</p>	<p><u>Criterion (d)</u> The criterion states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area.</p> <p>The development is located adjacent to a residential area with the protected housing area of Donegall Pass (North) located immediately east of the site. Efforts have been made to address this relationship with the stepping down of the building to the houses on Pakenham Street from 8 storey to four storey, with the garden area also ensuring the main 8 storey bulk of the building is set back from the residential properties (approximately 15.5m from the nearest dwelling at No. 2 Pakenham Street. This relationship mirrors that of the European Commission building and the adjacent terraced housing on Pakenham Street. The proposal should not result in an unacceptable level of overlooking or overshadowing from the four storey rear return onto the private amenity to the rear of the dwellings.</p>
<p>9.4.5</p>	<p><u>Criterion (e)</u> Requires that the development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impact from occupants. A management plan, prepared by Fresh Student Living, has been submitted in support of the planning application. This plan sets out a number of procedures to manage student behaviour and protect residential amenity. These include:</p> <ul style="list-style-type: none"> - On-site management - Operational restrictions to minimise impact on amenity of adjoining properties - Thorough complaints procedure - Community liaison with accommodation manager <p>A number of measures will be put in place to create a safe living environment for students,</p>

	<p>these include:</p> <ul style="list-style-type: none"> - 24 hour security presence - Emergency call centre on site - Permanent staff presence on site - CCTV and secure access points at all entrances - Point of contact for local residents to discuss issues - Lost keys/ swipe cards cancelled - Risk Assessments carried out prior to occupation - All incidences investigated as soon as Residence Manager notified
<p>9.4.6</p>	<p>As stated above a draft Section 76 Agreement has also been submitted with the application. The Environmental Protection Unit ('EPU') welcomes the submission of the 'Fresh Student Living' Management Plan in support of the proposal. The Management Plan (MP) includes sections covering arrangements for managing anti-social behaviour, complaints procedure, as well as a guide for the accommodation team on how to deal with anti social behaviour with sample forms to be completed including the logging and recording of incidents.</p> <p>To ensure <i>delivery</i> of a robust student management plan, Environmental Health Service requests consideration is given to attaching a condition should planning permission be granted. This condition is detailed below.</p>
<p>9.4.7</p>	<p><u>Criterion (f)</u></p> <p>The 'Response to PBMSA Planning & Place Advice note' (November 2015) states that Queens University have a 100% occupancy rate within their existing accommodation and have an urgent need to address a high level of demand.</p> <p>Queens University have acknowledged in May 2015 that "there is very limited scope for the development of student residential accommodation on Queen's- owned sites..." . Two planning applications for student accommodation within QUB owned properties, submitted by QUB in the past few years, have not progressed to a positive outcome.</p> <p>The requirement for student accommodation at the application sites has been driven, in part, by the low proportion of students in Belfast living in managed and purpose built student accommodation (i.e. university halls of residence and privately provided accommodation), as well as the high number of students living in uncontrolled HMOs.</p> <p>Added to this, the town's universities have insufficient purpose built accommodation to cater for the requirements of its students who have a strong preference for such accommodation, particularly first years, international and postgraduate students. Added to this, it is increasingly common for second and third year students to seek such accommodation.</p> <p>The Planning Statement submitted in support of the application in November 2015 points to the limited numbers of managed beds currently provided by the Universities (3,759) there will be a need for further accommodation to be provided. Indeed, Queen's University had projected an increase in demand of 900 units, up to 2015, however no additional accommodation has been provided. Furthermore, it is envisaged that some 15,000 staff and students will be relocated to the University of Ulster's new City Centre campus, yet there are no proposals by the University to provide accommodation in the City.</p>
<p>9.5</p>	<p>Quality Residential Development</p> <p>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</p>

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 site is located on something of a transitional area between the established two storey terraced dwellings off Pakenham Street and the high rise, large scale mixed use development to either side of the Dublin Road. The 6 story frontage with the top two storeys set back acknowledges the Dublin Road character. The bulk of the building is then broken up with the main 8 storey form dropping to two four storey rear returns either side of the communal rear garden area. This drop in scale and massing reflects the transition in character from the front of the site along the Dublin Road to the rear along Pakenham Street. The finishes also reflect the transition with the ground floor and first floors along Pakenham Street finished in a red brick to reflect the character of the two storey terraced dwellings and a vertical emphasis provided on the fenestration towards the rear of the building to create a street frontage which respects the domestic scale and character of Pakenham Street. The top of the first floor element ties in with the eaves of the adjacent dwellings with the red bricked finish terminating on this first floor to reflect the two storey red bricked dwellings. The building drops to a flat roof ridge height 2.68m higher than these dwellings with the combination of glazing and aluminium cladding reducing the overall 'weight' of the structure along Pakenham Street from the heavier red bricked feel to the frontage of the building.

With regard to impact on residential amenity EPU have offered no objections to the proposal. In view of the recommendations outlined in the above PDA noise assessment Environmental Health Service requests consideration is given to attaching a number of conditions in the event that planning permission is granted. These are detailed below. The PDA noise report advises that noise from the proposed rear courtyard will need to be controlled primarily by the Student Management provider to ensure the future occupants of the proposal itself are not unduly disturbed by noise and anti-social behaviour in this communal external area. A 1.8m high brick wall will help act as a noise buffer onto the rear of the properties on Pakenham Street.

There will be some loss of light from the two narrow windows located on ground and first floor on the side elevation of the adjacent dwelling (No. 2 Pakenham Street), however these are not the primary light sources in each of the two rooms affected and thus any loss of light would not be unduly detrimental to the amenity of the property. In terms of overlooking there is no doubt views shall be gained from some of the rooms on the rear elevation across the rear of the dwellings on the southern side of Pakenham Street, however given the orientation of these dwellings, which sit at right angles with the proposed building, there will be no direct overlooking into the rooms of these dwellings, many of which shall be screened by existing two storey 'lean-to' rear returns.

In terms of the overall dominance on the amenity of the adjoining properties the orientation of the proposed building in relation to the existing dwellings will mean there is no direct dominance and views from the rear of the existing dwellings will not be unduly obstructed. The compact nature of the existing urban grain and the limited amenity area to the rear of the existing properties should ensure there is no significant impact on private amenity.

9.6 Contaminated Land

The Preliminary Risk Assessment (PRA) carried out by Tier Environmental identified possible pollutant linkages at the proposed development site. Possible contamination in the south east corner of the site is also identified based on the location on site of an above ground storage tank, boiler house and proximity to potential underground storage tanks at the nearby police station.

EPU is satisfied with the findings presented in the phase 2 quantitative risk assessment advising

that none of the soil or groundwater sample results exceed the adopted screening criteria. In addition to soil and groundwater analysis, the GQRA presents results for 6 rounds of ground gas monitoring over three months between June 2015 and September 2015 across a range of atmospheric pressure conditions. EPU notes the findings that the ground gas risk assessment concludes the site can be characterised as Characteristic Situation 1, therefore, requiring no special gas protection measures. Subsequently no objections have been raised nor is there a requirement for any conditions to be attached should planning approval be granted.

9.7 **Noise Impact**

It is noted by EPU that from their review of the PDA Ltd noise report that the assessment included a noise measurement survey over a 24hr period to capture daytime and night time baseline noise conditions. This information was then used by the acoustic consultant to determine appropriate specification for facade elements of the proposed development (specifically, glazing and ventilation) in order to meet suitable internal noise level criteria.

The noise assessment also advises that noise breakout from the proposed plant room will need to be controlled such that noise ingress to habitable areas does not exceed levels set in table 6 of the above-mentioned noise assessment. No limit, however, is recommended for the noise rating level of any proposed plant and equipment to prevent noise breakout disturbance to nearby existing residential premises.

EPU notes that the proposal includes a laundry room, plant room, sub-station and common room/amenity space on the ground floor. The noise assessment does not make specific recommendations regarding noise mitigation for these areas.

In view of the recommendations outlined in the above PDA noise assessment and on the basis of the above comments, Environmental Health Service requests consideration is given to attaching a number of conditions in the event that planning permission is granted. These are detailed below.

9.8 **Traffic and Parking**

The proposal has been assessed against PPS3, TRAN 1 and policy CC025 of BMAP and is considered acceptable. There is no parking proposed to facilitate the development. 18 cycle spaces are proposed.

The planning statement submitted in support of the proposal talks about the accessibility of the site and its proximity to the Europa bus and rail centre (approx 600m) and bus stops (approx 100m). The Travel Plan sets out that the development will be 'car free' and the scheme has been designed to encourage alternative modes of transport.

Transport NI has offered no objections to the proposal subject to a number of conditions which are detailed below.

9.9 **Flooding**

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

The Flood Hazard Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain.

Rivers Agency initially requested that a Drainage assessment be carried out in accordance with Policy FLD3 *Development and Surface Water* – In accordance with revised PPS 15

A Drainage Assessment was subsequently submitted in November 2015. The Drainage Assessment states that implementation of the proposed scheme would significantly reduce surface water discharge from the site to the public combined sewer system, however this is still subject to agreement and approval by Northern Ireland Water

Rivers Agency stated that they were unable to fully appraise the above site's submitted Drainage Assessment until evidence that the proposed storm water run-off from the site can be safely discharged.

PPS15 requires that details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water.

In response to Rivers Agency's comments the agent submitted a response to a requisition notice for storm sewer from NIWater. The application has been approved by NIWater. This has been passed to Rivers Agency for further comment, no objections are likely.

9.10 **Developer Contribution**

Lacuna Dublin Road Ltd has provided a draft Section 76 agreement which is being considered by officers. Part of the draft agreement states that there will be a commitment to submit the management plan to the Council for approval prior to commencement of development.

In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with the Council both to provide certainty around the management of the accommodation and to provide contributions to local environmental improvements.

In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building and enhance the pedestrian linkages to the heart of the city.

The sum of monies / works to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.

9.11 **Bin Storage**

With regard to bin storage, the applicant has shown an indicative area for bins and recycling at ground floor. If the scheme was considered acceptable a condition would be necessary to ensure an adequate storage area and waste management strategy is implemented for the collection and disposal of waste.

9.12 **Consideration of Objections**

The majority of issues raised are considered in the assessment above, including the impact on residential amenity; scale and density out of keeping with area, overlooking, overbearing and dominance on residential properties; noise and anti-social behaviour and the potential impact on built heritage. The remaining matters are considered below:

- Potential interruption to adjoining premises - The onus will be on the developer to carry out any proposed works in a controlled manner that avoids any undue disruption to neighbouring properties.
- Potential structural damage to adjacent buildings due to construction works - The onus will be on the developer to carry out any proposed works in a manner that would not impact upon the stability of neighbouring properties.
- No information on alternative uses during the holiday periods -There is no policy requirement for such information. Any change of use would require planning consent and the Section 76 will ensure the accommodation is for use by students only.

	<ul style="list-style-type: none"> • Proliferation of student accommodation in the area - The proliferation is not a concern at present given the small number of approvals in the area to date. • Inadequacies in management plan - A robust management plan will form part of a Section 76 Agreement and should ensure that student behaviour is adequately managed and noise/ anti-social behaviour should not become problem. • Lack of surveillance - Windows will overlook streets around the building, thus creating a sense of surveillance and subsequently discouraging anti-social behaviour. • Impact on parking and traffic and inadequacies in parking provision - TransportNI have no objections in terms of parking provision or pressure on existing roads infrastructure. • Impact on drainage in area - A drainage assessment has been submitted, Rivers Agency has offered no objection to the proposal subject to details of how run-off from the site will be controlled and disposed of. The agent has submitted a response to a requisition notice for storm sewer from NIWater. • Pressure on existing sewerage system - NIWater have stated that public foul sewer is located within Pakenham Street and Fulton Street, which can serve the proposal, and that the receiving Waste Water Treatment facility has sufficient capacity to serve the proposal.
<p>10.0</p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p>Summary of Recommendation: Approval</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission should be approved for the following reasons.</p> <p>The proposal is not located within a primarily residential area and is appropriate in terms of its Dublin Road context with a number of high buildings both existing and approved. Although a storey higher than the height recommended in BMAP's Urban Design Criteria the fact the top two floors are set back and the building drops towards the two storey terraced dwellings to the rear should ensure the building will be in keeping with the site and wider context and will not have a detrimental impact on the character of the area. Consultees have offered no objections and it is considered a robust management plan secured by Section 76 can satisfactorily mitigate any amenity concerns associated with the use.</p> <p>The proposal meets the requirements of the HMO Subject Plan and is located on a main arterial route within Belfast City Centre. It is well located to serve both Queens University and the new University of Ulster campus.</p> <p>Approval is recommended subject to Conditions and the satisfactory completion of a legal Agreement under Section 76 of the Planning Act (NI) 2011.</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p>	<p>Conditions</p> <p>As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit</p> <p>The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 06/B '2141_310 Rev C,</p>

<p>11.3</p>	<p>Proposed Ground Floor' bearing the Belfast City Council Planning Office date stamp 04 December 2015 to provide adequate facilities for servicing and cycle parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for cycle storage and servicing.</p> <p>Reason: To ensure that adequate provision has been made for cycle storage and servicing.</p> <p>A minimum of 18 No. cycle parking spaces shall be provided and permanently retained close to the accesses to the proposed development for use by residents, staff and visitors to the development.</p> <p>Reason: to encourage the use of alternative modes of transport for development user</p> <p>The development hereby permitted shall operate in accordance with the approved Travel Plan date stamped 20 October 2015. This includes provision of the Translink Corporate Commuter Initiative, the Translink TaxSmart Initiative and the Bike2Work Initiative or equivalent measures agreed by TransportNI.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
<p>11.4</p>	<p>Prior to occupation of the proposed development, the applicant must submit, to the Council for approval, a noise Verification Report (VR) which demonstrates evidence that:</p>
<p>11.5</p>	<p>(a) The mitigation measures outlined in section 6, figures 2, 3 and table 7 in the September 2015 PDA Noise Impact Assessment (referenced PK/8650/1271/03) by way of glazing and ventilator specifications have been incorporated into the proposed building;</p> <p>(b) The entire window system (including frames, seals etc) and ventilator units have been so installed so as to ensure that internal noise levels within any proposed residential unit shall:</p> <ul style="list-style-type: none"> • Not exceed 35 dB $L_{Aeq,16hrs}$ at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; • Not exceed 30 dB $L_{Aeq,8hr}$ at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; • Not exceed 45 dB L_{Amax} more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;

	<p>(c) The rating level (dBL_{Af}) of all combined proposed building plant services does not exceed the background sound level (for both day time and night time) as measured at the nearest existing residential premises with all sound measurements made in accordance with <i>BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound</i>.</p> <p>Reason: In the interests of public amenity.</p>
<p>11.6</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Noise Control and tenant behaviour; • Measures for controlling hours of use and potential noise disturbance from the use of the proposed external courtyard area; • 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; • Site and landscape maintenance; • Servicing; security features; CCTV; Lighting; Intercoms; Soundproofing. <p>Reason: In the interests of public amenity.</p>
<p>11.7</p>	<p>Within the first year of commencement of operation of the development the Applicant must submit to the 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.</p> <p>Reason: In the interests of achieving a quality residential environment.</p>
<p>11.8</p>	<p>The external courtyard must not be used as a communal space by students between the hours of 22:00hrs and 10:00hrs.</p> <p>Reason: In order to protect existing residential neighbours as well as future occupants of the proposed development against noise disturbance.</p>

12.0	Notification to Department (if relevant) N/A
13.0	Representation from Elected Members: Michael McGimpsey (Assembly member for South Belfast) - Letter of objection to the proposal on grounds potential impact on neighbouring amenity, lack of proposed car parking and an increase in density on the site.
Neighbour Notification Checked	
	Yes

ANNEX	
Date Valid	15th October 2015
Date First Advertised	30th October 2015
Date Last Advertised	22nd January 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>1 Pakenham Street, Malone Lower, Belfast, Antrim, BT7 1AB, John Dean</p> <p>1, Apsley Street, Belfast, Antrim, Northern Ireland, BT7 1BL</p> <p>1, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB Xing Meima</p> <p>1, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB</p> <p>1, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB Albert Gracey</p> <p>10, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ</p> <p>11, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB Andrea Kelly</p> <p>12, Maryville Street, Belfast, Antrim, Northern Ireland, BT7 1AD Louise Dynes</p> <p>12, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB Samantha Stitt</p> <p>12, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ Samantha Stitt</p> <p>12, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ Dympna Adeniji</p> <p>13, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB</p> <p>14, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ</p> <p>140-142, Great Victoria Street, Malone Lower, Belfast, Antrim, BT2 7BH, 140-142, Great Victoria Street, Malone Lower, Belfast, Antrim, BT2 7BH, 140-142, Great Victoria Street, Malone Lower, Belfast, Antrim, BT2 7BU, 16-18, Donegall Pass, Malone Lower, Belfast, Antrim, BT7 1BS, Noel Armstrong</p> <p>17, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB S Haddock</p> <p>18, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB</p> <p>18, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ Robert Stoker</p> <p>2 Newburn Hall, Maldon Street, Belfast, Broadway Industrial Estate, Antrim, Northern Ireland, BT12 6HE The Owner/Occupier, 2 Pakenham Street, Malone Lower, Belfast, Antrim, BT7 1AB, Ernie Purvis</p> <p>2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB Ernest Purvis</p> <p>2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB</p>	

David Purvis
 2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Ernest Purvis
 2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
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 E Purvis
 2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 E Purvis
 2, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Lorraine Parke
 21, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 The Owner/Occupier,
 22 Pine Way, Donegall Pass, Belfast, BT7
 C Dornan
 3, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Shane Veighey
 31, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1DQ
 Debbie Hamill
 33, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1DQ
 Carol Veighey
 3A, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Elizabeth Vallely
 4, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 The Owner/Occupier,
 4, Posnett Street, Belfast, Antrim, Northern Ireland, BT7 1FJ
 Billy Holmes
 51, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1DQ
 Bill Holmes
 51, Donegall Pass, Belfast, Antrim, Northern Ireland, BT7 1DQ
 David Purvis
 55, Lindsay Street, Belfast, Antrim, Northern Ireland, BT7 1AX
 R T Burrell
 6, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 R T Burrell
 6, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Aimey Kelly
 63, Vernon Street, Belfast, Antrim, Northern Ireland, BT7 1EW
 Norman McBurney
 7, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Norman McBurney
 7, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 76 Dublin Road, Malone Lower, Belfast, Antrim, BT2 7HP,
 78-86, Dublin Road, Malone Lower, Belfast, Antrim, BT2 7BY,
 78A Dublin Road, Malone Lower, Belfast, Antrim, BT2 7HP,
 Lewis Furstenberg
 8 Pakenham Street, Belfast, BT7
 Managh

9, Pakenham Street, Belfast, Antrim, Northern Ireland, BT7 1AB
 Anne McAllister
 CRI Building, 2nd Floor 165-169 Donegall Pass, Belfast, BT7 1DT
 Carlton House, 1-6 Shaftesbury Square, Malone Lower, Belfast, Antrim, BT2 7DP,
 Anne McAllister
 Donegall Pass Community Forum, 2nd Floor, CRI Building, 165-169 Donegall
 Pass, Belfast, BT7 1DT
 Ciaran McLarnon
 RSPB Northern Ireland HQ, Belvoir Park Forest, Belvoir Drive, Belfast, BT8 7QT
 The Owner/Occupier,
 Residents of Hartington Street and, Hartington Court (Dublin Road)
 Ewan Suttie
 The McCune Building, Unit 6 1 - 7 Shore Road, Belfast, BT15 3PG
 Michael McGimpsey MLA
 Ulster Unionist Constituency Office, 127-145 Sandy Row, Belfast, BT12 5ET
 Unit 1, 1A Pakenham Street, Malone Lower, Belfast, Antrim,,
 Unit 2, 1A Pakenham Street, Malone Lower, Belfast, Antrim,,
 Unit 3, 1A Pakenham Street, Malone Lower, Belfast, Antrim,,
 Unit 4, 1A Pakenham Street, Malone Lower, Belfast, Antrim,,
 Anne McAllister

Date of Last Neighbour Notification	26 th January 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01, 05C, 06C, 07A, 08A, 09A, 10A, 11A, 12A, 13A, 14A, 15A, 16B, 17A, 18A, 20A	
Notification to Department (if relevant)	
Date of Notification to Department: Response of Department:	