

**Development Management Officer Report  
Deferred Committee Application  
Addendum Report**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 19 April 2015	
<b>Application ID:</b> LA04/2015/0419/F	
<p><b>Proposal:</b> The erection of a mixed use development to include 647 standard bedrooms and 93 studio rooms (740 Total) managed student residential building with ground floor shop use class A1. The student development is comprised of welfare facilities, associated ancillary accommodation, external areas to include landscaped courtyards and an enclosed car park.</p>	<p><b>Location:</b> 78 College Avenue Belfast BT1 6BU</p>
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	Approval
<p><b>Applicant Name and Address:</b> McAleer and Rushe 17-19 Dungannon Road Cookstown BT80 8TL</p>	<p><b>Agent Name and Address:</b> Consarc Design Group Ltd The Gas Office 4 Cromac Quay Belfast BT7 2JD</p>
<p><b>Executive Summary:</b></p> <p>The application seeks the erection of a mixed use development to include 647 standard bedrooms and 93 studio rooms managed student residential building with ground floor shop use class A1. The student development is comprised of welfare facilities, associated ancillary accommodation, external areas to include landscaped courtyards and an enclosed car park.</p> <p>The application was presented to the Planning Committee on 15 March 2016 with an opinion to approve and was deferred by members for a site visit. Members wanted to assess issues which had been raised on 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>A site visit was held on 6 April 2016 and no new evidence was considered.</p> <p>1 representation was received on 18 of March 2016. The main issues raised include the height of the building, impact on daylight, blighting the future redevelopment of adjacent sites and the layout potentially encouraging anti-social behaviour. In regards to the blighting of the future redevelopment of the adjacent sites it is considered that any future planning applications on these sites will be considered on their individual merits. All other points raised have been fully considered in the original assessment of the proposal below.</p> <p>The proposal is in accordance with the development plan and all other material considerations and on balance considering the lack of objection from consultees, the presence of extant planning permission for a similar scale building on the site, the development is considered acceptable.</p>	

**Recommendation**

That the proposal should be approved 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.

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.

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 15 March 2015	
<b>Application ID:</b> LA04/2015/0419/F	
<b>Proposal:</b> The erection of a mixed use development to include 647 standard bedrooms and 93 studio rooms (740 Total) managed student residential building with ground floor shop use class A1. The student development is comprised of welfare facilities, associated ancillary accommodation, external areas to include landscaped courtyards and an enclosed car park.	<b>Location:</b> 78 College Avenue Belfast BT1 6BU
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> McAlear and Rushe 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Consarc Design Group Ltd The Gas Office 4 Cromac Quay Belfast BT7 2JD
<b>Executive Summary:</b>	
<p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) and is identified as being within Belfast City Centre. It is also located in CC009- Old City Character Area.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of the development and proposed use at this location;</li> <li>• Impact on the Conservation Area;</li> <li>• Height, Scale, Massing and Design;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking.</li> </ul> <p>The principle of Purpose Built Student Accommodation (PBSA) is acceptable at this location.</p>	

The site is located on unzoned (white) land within close proximity to Great Victoria Street Transport Hub and ideally located to serve both Queen's University and the new University of Ulster Campus.

The proposed height of the building exceeds the guidance as set out in BMAP however, at this location given the scale of the adjoining buildings and the fact that there is extant planning permission for a similar scale building (for a hotel) on the site it is considered that the proposed height, scale and mass would not result in harm to the character and appearance of the area.

The proposed design and treatment of the elevations is consistent with the area, incorporating a similar fenestration, solid to void ratios and materials.

In terms of amenity, there are residential uses immediately to the rear of the application site in College Court and to the north in King Street, the rooms along the rear walkway of the building, which adjoins this site are non habitable rooms and on balance the relationship is considered acceptable.

In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. There is sufficient internal separation distances between rooms to prevent overlooking/intervisibility. The accommodation proposed is in accordance / generally exceeds standards set out in NI Housing Executive HMO standards.

Following neighbour notification and advertising 1 letter of objection was received. The main issues raised include loss of sunlight/ daylight, overshadowing, loss of view and dead frontage on College Avenue will exacerbate anti-social behaviour.

Following the submission of a reduced scheme, both in terms of unit numbers (now 740 beds) and height the application was re-advertised in local press and re-neighbour notified on 4 March 2016.

As the time limit for making representations for any interested parties does not expire until 18 March, should Members be minded to approve the application it is requested that authority is delegated to the Director of Planning and Place to determine the application provided no representations are received from those neighbours raising additional matters.

Consultees have offered no objections to the proposal, subject to conditions.

Having regard BMAP, to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended subject to conditions.

### **Recommendation**

That the proposal should be approved 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 (see paragraph 9.48- 9.50 below).

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 Description of Proposed Development

The erection of a mixed use development to include 647 standard bedrooms and 93 studio rooms managed student residential building with ground floor shop use class A1. The student development is comprised of welfare facilities, associated ancillary accommodation, external areas to include landscaped courtyards and an enclosed car park.

#### 2.0 Description of Site

Vacant site bounded by College Street, College Court and College Avenue. Two metre high fencing defines the southern and eastern boundaries with advertising hoardings defining the western boundary. The blank wall of a high rise residential development defines the northern boundary.

### Planning Assessment of Policy and other Material Considerations

#### 3.0 Planning History

On-site

	<p>Z/2013/1063- Ten storey hotel comprising 250 bedrooms, meeting rooms with bar and restaurant to ground floor. Nine storey open plan office building with retail on ground floor within underground car parking. Approved 13<sup>th</sup> Feb 2015.</p> <p>Z/2005/0176/F- Erection of 10-storey hotel comprising 250no. bedrooms, meeting rooms with bar and restaurant on ground floor. Nine-storey open plan office building with ground floor retail unit and underground car parking. Approved 16<sup>th</sup> October 2008.</p> <p>Z/2001/3246/F- New hotel development, ground and 9 upper storeys- withdrawn 27<sup>th</sup> October 2003.</p> <p><u>Surrounding Area</u></p> <p>Z/2007/0941/F- Mixed use development of 114 no. apartments, 1 no. ground floor bookmakers shop, 1 no. retail unit, 4 no. live/work commercial units and ground level car parking at 54-62, King Street and 14-20 College Court, Town Parks, Belfast. Approved 7<sup>th</sup> August 2007.</p> <p>LA04/2015/1252/F- Erection of purpose built managed student accommodation comprising 93 studios and 247 cluster rooms, retail unit (class A1), bar restaurant on ground floor of Queen Street and Wellington Place, common room, management suite, reception, laundry room, cycle store, plant room and bin storage area. Retention of existing facades of 41-49 Queen Street, 24 College Street and 29 Wellington Place and demolition of buildings behind. The proposed building is 5 storeys behind Wellington Place façade, 7 storeys behind Queen Street façade and there is 14 storey block setback from Queen Street frontage at 41-49 Queen Street, 24-30 College Street and 29 Wellington Place Belfast. Pending.</p> <p>Z/2014/1172/F- Conversion refurbishment and extension (one floor on the north, south and east elevation and two floors on the west elevation) of the former college building for managed student accommodation, comprising 292 no ensuite bedrooms with shared living rooms and kitchens and 121 studios, and other ancillary accommodation including a reception/management suite: communal areas: plant and storage areas: and cycle parking at 1A College Square East Belfast. Approved 29<sup>th</sup> January 2015.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Metropolitan Area Plan 2015</p> <p>Policy UE 1 - Urban design</p> <p>House in Multiple Occupancy Subject Plan 2015</p> <p>HMO 7- Large Scale Purpose Built Student Accommodation</p>
4.2	<p>Strategic Planning Policy Statement for Northern Ireland</p> <p>Planning Policy Statement 3: Access Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and the Built Environment</p> <p>Planning Policy Statement 7: Quality Residential Environments</p> <p>Planning Policy Statement 13:Transportation and Land Use</p> <p>Planning Policy Statement 15: Planning and Flood Risk</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>Transport NI- No objections subject to conditions</p> <p>NIWater- No objections;</p> <p>NIEA- Waste Management- No Objection subject to conditions;</p> <p>NIEA- Natural Environment Division- No Objections</p> <p>Rivers Agency- No Objections</p>
<b>6.0</b>	<b>Non Statutory Consultee Responses</b>
	Belfast City Council EPU- No Objections subject to conditions

7.0	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. 1 letter of objection has been received.</p> <p>The main issues raised include:</p> <ul style="list-style-type: none"> <li>• Loss of sunlight/ daylight;</li> <li>• Overshadowing;</li> <li>• loss of view; and</li> <li>• The dead frontage on College Avenue will exacerbate anti-social behaviour.</li> </ul>
8.0	<p><b>Other Material Considerations</b></p>
8.1	<p>Planning and Place Advice Note: Purpose Built Managed Student Accommodation</p>
8.2	<p>BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation Belfast City Centre Conservation Area Guide</p>
9.0	<p><b>Assessment</b></p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of the development at this location;</li> <li>• Impact on the Conservation Area;</li> <li>• Scale, Massing and Design;</li> <li>• Impact on amenity; and</li> <li>• Traffic Movement and Parking.</li> </ul>
9.2	<p>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'.</p>
9.3	<p>Due to the nature of the proposal, BMAP and the House of Multiple Occupation (HMO) subject plan are also significant policy considerations.</p>
	<p><u>Principle of proposed development</u></p>
9.4	<p>The site is located within the development limits of Belfast in BMAP and within the city centre. It is within walking distance to the Primary Retail Core and abuts an HMO node in the HMO Subject Plan ref: 04/15. Whilst there are a number of apartments located to the north and the rear of the site, it does not abut a primarily residential area. It is therefore considered an acceptable location for student accommodation in principle.</p>
	<p><u>BMAP and impact on Conservation Area</u></p>
9.5	<p>The site is located within Character Area CC 009 Old City. The general Urban Design Criteria (UDC) under Designation CC 009 states that <i>'the density of development in the area shall be maintained and increased where appropriate, including around transport nodes, through high site coverage and high plot ratio and that development proposals shall take account of the height of adjoining buildings'</i>.</p>
9.6	<p>In regards to the more specific street frontages the UDC states that <i>'the part of the</i></p>

	<i>development which fronts onto College Avenue shall be a minimum building height of 6 storeys, or 18 metres to shoulder height, and a maximum height of 7 storeys’.</i>
9.7	The development consists of building with a maximum ridge height of 34.4 metres (12 storeys). On the College Avenue frontage the ridge height is staggered dropping from 10 storeys to 9 storeys with 11 and 12 storeys set back beyond the front building line. The College Street Elevations follows a similar pattern. The height criteria in BMAP 2015 are a material consideration, however these need to be balanced against other policies and considerations.
9.8	There are a number of factors that need to be taken into account when making a balanced judgement on the acceptability of the scheme in terms of bulk, scale, massing and layout. Firstly the proposed development needs to be seen in the context of extant planning permissions. The site benefits from full planning permission for a hotel and office development approved under Z/2013/1063/F with a maximum ridge height of 34.5 which remains extant until May 2020 and whilst there has been a change in the policy context with the publication of the SPSS in September 2015 it could be difficult to argue that the proposed height scale and massing is unacceptable. The applicant’s justification for the height appears to be on the basis of selected existing building heights and the previous consent, whilst down playing more immediate building heights within the City Centre Conservation Area. However, it is also not to be dismissed, that the applicant has gone some distance in addressing BCC concerns since the original submission. This is evidently shown on a recently submitted contextual drawing and whilst it does not disguise the overall bulk of the building, it does demonstrate how the massing is broken up in a manner which minimises the potential harm.
9.9	Secondly, the revised scheme needs to be assessed in the wider context which contains buildings of a similar bulk, scale and massing. It would appear that their original design drew upon, not only the scale and massing of these adjacent buildings as mentioned above, but also on their architectural form and detailing. This was clearly a mistake given the lacklustre contribution these buildings make to the immediate streetscape and the Conservation Area as a whole. The revised submission, on the other hand, as shown in the colour contextual drawing (see above report) compliments the built form of the area, stepping down to the corner with College Street, creating a strong sense of place. Furthermore this underutilised site has the potential to act as a driver for further regeneration of an area which has historically suffered from decline and dereliction.
9.10	Acknowledging that the height of the building exceeds the guidance as set out in BMAP it is considered that there are other factors that need to be weighted in order to arrive at a balanced judgement. Factoring into account the planning history, the immediate context and the willingness of the applicant to revise the proposal following initial opposition from BCC it is considered that there are mitigating circumstances to set aside the UDCs in BMAP in this instance.
	<u>HMO Subject Plan 2015</u>
9.11	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 primarily residential area; provision is made for the management and there is ample landscaping and amenity space provided. The proposal therefore complies with HMO 7.
	<u>Assessment against Planning &amp; Place on PBMSA</u>

9.12	<p>Planning and Place's advice note 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 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>
9.13	<p>Criteria (a)</p> <p>In regards to the first criterion the development is within 600 metres of the new University of Ulster campus, 100 metres of the Belfast Metropolitan College and 700 metres of Queens University. Public Transport is located outside the site metres away from the development. As the proposal is to be for students that will attend Queens University, it is suitably located and therefore complies with criterion (a).</p>
9.14	<p>Criteria (b)</p> <p>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 Conservation Area. Considerable discussions have taken place to address the bulk, scale and massing of the proposal with BCC consulting a recognised Urban Designer to assist in finding an acceptable design solution for the site and one which clearly respects its setting within an important Conservation Area. (see paragraph 9.30 and 9.3 for assessment).</p>
9.15	<p>In regards to other policy designations in the city centre the site is not located within a wholly residential area. The nearest protected housing are is located 100 metres away towards Hamill Street to the West. Listed buildings in the vicinity of the application site include the landmark 1A College Square East (currently being converted into PBMSA) and the former athletic stores building at 41-49 Queen Street which is currently subject to a planning application for PBMSA. The proposed development site is adequately removed so as to have an adverse impact on their setting, a view shared by NIEA- Historic Monuments Unit. The proposal complies with criterion (b).</p>
9.16	<p>Criteria (c)</p> <p>In regards to criterion (c) it is considered that the layout, design and facilities provided within the development are of high standards. The site is currently underutilised and is within an area which has witnessed some limited regeneration within the last 10 years. Belfast City Council's Regeneration and Investment Strategy comments that much of the city centre feels incomplete due to relatively high vacancy rate, underdeveloped sites and surface level car parks (which is the current use of this site), so redevelopment should be considered a top priority, not only to visually improve the College Avenue frontage, an major artery through the city centre but also and, just as importantly, to provide an impetus for further regeneration and the tangible benefits that go hand in hand with it.</p>
9.17	<p>Regarding the internal layout, the entrance to the PBSMA is located on College Avenue. This leads into a reception area with an adjacent manager's office. A landscaped courtyard and 1 common room are provided on the ground floor. Outlook from bedrooms is either over the street, over the internal landscaped courtyard or over the car park. Whilst it is considered that the level of shadowing and outlook may be frugal especially from the units at lower levels that look directly into the landscaped courtyard, it is considered that there is a demand for this type of accommodation, evident in the fact that Queens University have signed a deal with the applicant to operate it; and in doing so are satisfied that the proposal is fit for purpose and meets the needs and expectations of prospective students.</p>
9.18	<p>In terms of open space provision, it is acknowledged that 'Creating Places- Achieving</p>



	<p>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 100 sq metres which is not sufficient for the needs of 741 students. However, it is considered that a flexible approach should be applied when considering planning applications for PBMSA in the City Centre that the common room / break out areas should be incorporated into the overall open space provision. Taking this into account the combined level of provision (landscaped areas and commons room, quiet rooms) it is considered, on balance, acceptable.</p>
9.19	<p>It is further considered that in terms of microclimate the courtyard area would be a damp and shaded with little value other than ensuring some light into the rooms that look inwards. Whilst it is a concern, it is difficult to resist the proposal based on the microclimate given that the site is located within the City Centre whereby historically residential apartment type developments had little in the way of amenity space provision.</p>
9.20	<p>Although a secondary space within the urban hierarchy, the proposed uses along College Court, that include a car park and bin stores are not ideal and will only serve to create a dead space with little in the way of an active frontage. However these uses have to be placed somewhere within the ground floor and it is considered that College Court would be the least visually discordant on character.</p>
9.21	<p>The development proposes 12 car parking spaces which are considerably below the 1 to 1 amount required according to the DOE Parking Standards which accompany PPS3 parking standards. 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. Factoring this with the lack of objection from Transport NI it is considered that the applicant has adequately addressed the shortfall in parking provision.</p>
9.22	<p>The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards – single rooms are approximately 10.5sqm (6.5sqm NIHE standard), studio apartments are approximately 25.5sqm (9sqm NIHE standard) with common room areas ranging in size but not less than 20 sqm for 6 occupants. Provision is therefore compliant with space standards.</p>
9.23	<p>Criteria (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 not located within a predominately residential area. However the site is located 100 metres to the east of Divis Protected City Centre Housing Area (DPCCHA). The nearest properties within the DPCCHA are those on the east side of Hamill Street. Pedestrian routes from the site to the City Centre, Transport hubs and the two universities are in the opposite direction to the DPCCHA and it is concluded that any impact with be negligible. Apartments are also located adjacent to the north and opposite across College Court.</p>
9.24	<p>It is acknowledged that there will be some loss of light to the external walkway and bedroom windows of the existing apartment development in King Street. However, it must be assessed in the inner city context of the City Centre where it is not uncommon to find minimal separation distances between buildings. It is further acknowledged that there is a long standing history of planning approvals on the application site for developments of a similar scale and massing. The latest approval is for an office and hotel development 34.5 metres in height which remains extant until 2020. Given this background and context impact on the residential amenity of these existing apartments is inevitable, however it is not considered unacceptable in this city centre location. It is also worth noting that the proposal will not impact adversely on main habitable rooms.</p>

9.25	<p>It is also considered that there will be some loss of light and overlooking given the narrow width of College Court. However, again, it must be noted that in any inner urban context some impact on residential amenity is inevitable. In this particular circumstance it is considered that, on balance, it does not cause unacceptable damage to residential amenity and therefore complies with this criterion.</p>
9.26	<p>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; and complaints strategy.</p>
9.27	<p>With use of a Section 76 Agreement it is considered that the management plan is comprehensive and robust enough to ensure that impacts to neighbouring land uses and prospective residents will be minimal.</p>
9.28	<p>The guidance document makes reference to the cumulative impact and 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 housing areas. Given this designation it is accepted that the proposal will not cause unacceptable damage to the residential amenity of nearby dwellings.</p>
9.29	<p>Criteria (e) Requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any potential negative impact from occupants. The management plan sets out the procedures to be put in place.</p> <p>The management plan goes into considerable detail and addresses main points raised under criterion (e). It will be secured by a Section 76 Agreement and, as mentioned previously, it is comprehensive and robust enough to ensure that impacts to existing and prospective residents will be minimal</p>
9.30	<p>Criteria (f) 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 makes reference to Belfast City Councils document titled Belfast: A Learning City', published in March 2014. The statement further notes that this document confirms that there is an under provision of PBMSA which is well below the average rate of provision in the UK that there is a need to make Belfast a destination choice for students through the provision of student housing and to assist in restoring the functional integrity of the Holylands area. In terms of a defined need, it is acknowledged that Queen University have a 100% occupancy rate within their existing accommodation and have an urgent need to address the high level of demand. Additionally in response to the high level of demand which is currently not being met, Queens University publicised a requirement for up to 1500 PBMSA beds spaces as part of plans for expansion and growth set out in Queens's Vision 2020. More importantly Queens, as of last month, have signed a deal with the applicant, on this particular scheme thus confirming a need. The proposal therefore complies with criterion (f).</p>
9.31	<p><u>Impact on the Conservation Area</u></p> <p>Policy BH 12 of Planning Policy Statement 6: Planning, Archaeology and the Built Environment is a material consideration. The site is located within the City Centre Conservation Area as designated in BMAP 2015. To prevent erosion of character from</p>

	<p>inappropriate development, new development should respect its context in terms of massing scale, elevational appearance, materials and quality. The general objective for any new development is that it should be sensitive to surrounding built heritage and characteristic built form. The revised scheme bears little resemblance to the unsympathetic original submission and this is clearly welcomed. The overall ridge height has been reduced by 4 metres; the top floor has now been set well back from the leading edge of College Avenue and will only be visible at a distance. The base of the building has been increased in height and there is a clear break at attic level which visually articulates the roof zone of the development, thus in a sense, it follows the traditional neoclassical paradigm of horizontal subdivision of facades into base, middle and attic typically seen in more historic buildings.</p>
9.32	<p>Good quality schemes are designed so that the outside of the building helps one recognise what the building is for and what goes on inside it. The revised scheme with its larger base / entrance successfully adhere to this principle. Given the above it may be difficult to conclude that the height, scale, mass and design is so harmful as to warrant refusal although this should not be seen as ideal or a precedent for other future schemes in the conservation area. On balance, taking into account of the circumstances of the proposal including the planning history it is considered that the proposal complies with the criteria set out under Policy BH 12 of PPS 6.</p> <p><u>PPS7 – Design, character and appearance of Area and amenity</u></p>
9.33	<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 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. Please see paragraph 9.5- 9.7 for assessment in relation to height, scale and massing.</p>
9.34	<p>The proposed design is consistent with the area, incorporating a similar, fenestration, and solid to void ratios. A palette of materials that includes dark coloured buff brick, buff stone cladding and aluminium window panels are proposed. To ensure acceptable materials a condition will 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.</p>
9.35	<p>Accordingly it is not considered that the proposal would adversely impact on the character of the area, which is a wide mix of non residential uses, building designs and finishes.</p> <p><u>Impact on Residential Amenity</u></p>
9.36	<p>Please refer to paragraph 9.23- 9.28 for assessment of impact on residential amenity.</p> <p><u>Other Considerations</u></p> <p><u>Retail Unit</u></p>
9.37	<p>Retail policy considerations are set out in the SPPS and BMAP. The site is located within the city centre but outside the primary retail core. The retail units are approx 150 sq metres, 135 sq metres and 130 sq metres respectively.</p>

9.38	As the site is located within the City Centre boundary in BMAP and the retail unit is located on the ground floor there is no objection in principle to this use. Unrestricted retailing is appropriate within this City Centre location.
	<u>Bin Storage</u>
9.39	In regards to bin storage, the applicant has shown two defined areas within the ground floor layout. However, if Committee was minded to approve this proposal it is recommended that a negative condition is attached to ensure an adequate waste management strategy is delivered for the collection and disposal of waste.
	<u>Traffic and Parking</u>
9.40	The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking. It has been accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate car parking, a view shared by Transport NI.
	<u>Flooding</u>
9.41	A supplementary proposed drainage works report was submitted advising that there was no public storm sewer available to serve the proposed development. Subsequent Sewer Requisition was lodged with NIWater to obtain a storm sewer to service the site. NIWater response has been received by Rivers Agency, advising costs and storm discharge from the site should be restricted to Brownfield run-off, as stipulated by Rivers Agency. NIWater will submit Schedule 6 paper work to Rivers Agency. Rivers Agency in conclusion does not have any specific reason to object to the proposed development from drainage of flood risk perspective.
	<u>Noise</u>
9.42	Through the consultation process it was established that the development site is located in an area subject to high level of background noise. Consequently a Noise Report was submitted by the applicant which proposed various mitigation measures to overcome excessive noise. This adequately addresses concerns but it is recommended that Committee condition any approval to ensure that a noise verification report is submitted in line with Belfast City Council EPU's recommendations.
	<u>Impact on Listed Buildings</u>
9.43	The proposal has been assessed against Policy BH11 of Planning Policy Statement 6. The application site is in close proximity to and impacts upon the listed building of Old RUC barracks in Queen Street (HB26/50/027) a Grade B1 listed building which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011.
9.44	Historic Building Unit has considered the impacts of the proposal on 17 Bedford Street a B+ Listed building, and on the basis of the information provided is content in principle with the proposal.
	<u>Impact on Archaeology</u>
9.45	The proposal has been assessed against Policy BH4 of PPS6. NIEA Historic Monuments Unit has offered no objections to the proposal. Historic Monuments Unit has reviewed the submitted archaeological programme of work and is content for this to proceed to

	<p>archaeological licensing, subject to an excavation trench extending into the car park area. However, HMU has advised that this is only the first step in compliance with the archaeological conditions. They will not be fully discharged until the programme of works has been implemented on site, and a final report detailing the results of the archaeological investigation has been submitted to HMU for approval.</p> <p><u>Contaminated Land</u></p>
9.46	<p>Belfast City Council's Environmental Protection Unit has noted the results for soil analysis, and had advised that they did return an exceedance of the relevant GAC for lead of 517 mg/kg at a depth of 0.5mbgl at BH1. The Contamination report submitted by the applicant does not discuss this exceedance in relation to potential risk to human health. EPU, however, have advised that the proposed site layout where BH1 is located is to be covered in hardstanding which means the contamination will be encapsulated thus breaking any pollutant linkage.</p>
9.47	<p>The contamination report also advises that soil sample analysis revealed a detection of asbestos in a sample taken from BH1 at a depth of 0.5mbgl. The report concludes that the asbestos will not pose a risk to future site users as the pollutant linkage will be broken by the presence of hard standing across the part of the site where the asbestos was detected thus encapsulating the asbestos and breaking the identified pollutant linkage (inhalation of dust).</p>
9.48	<p>The report also identifies that groundwater on the site exceedences of copper, chromium and that mercury was also detected but the given that the concentrations were only slightly above the stringent controlled waters guidelines and a continuous water body is not present below the site, the RSK report considers that risks to the underlying groundwater resources via dissolved phase migration are low. It is on that basis that Belfast City Council's EPU has offers no objection subject to conditions in respect to contamination.</p> <p><u>Developer Contributions</u></p>
9.49	<p>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.</p>
9.50	<p>In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building and in particular to landscaping to the front and street-lighting scheme to the rear of the site in College Court to ensure that the level of antisocial behaviour is reduced at this location. The area currently does not provide a quality environment and is poor in respect of hard and soft landscaping.</p>
9.51	<p>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.</p> <p><u>Objections</u></p>
9.52	<p>In regard to the objections received;</p> <ul style="list-style-type: none"> <li>● Concerns relating to overshadowing and loss of sunlight / daylight have been considered fully under paragraphs 9.23.</li> <li>● The loss of view is not of significant weight that would warrant seeking</li> </ul>

	<p>amendments to the proposed development.</p> <ul style="list-style-type: none"> <li>The level of antisocial behaviour at College Court is noted. It is recommended that any developer contributions can go some way in addressing this issue by better street lighting and surveillance. Public order issues are a matter for the police and relevant authorities.</li> </ul>
<b>10.0</b>	<p><b>Summary of Recommendation:</b> Approval</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is determined that the development will not cause demonstrable harm to the interests of acknowledged importance. Approval is therefore recommended.</p>
<b>11.0</b>	<p><b>Conditions</b></p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>2. Prior to the occupation of the proposed development, the applicant shall provide to Belfast City Council, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Remedial Strategy Report dated May 2015, report no: 601059-R2 (00) have been implemented.</p> <p>The Verification Report shall include evidence of the remedial measures outlined in section 3 and 4 to demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without home-grown produce). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:</p> <p>a. gas protection measures in line with CIRIA's C665 Characteristic Situation 2 have been incorporated into all new buildings on the site which include:</p> <ul style="list-style-type: none"> <li>A re-enforced concrete cast in-situ floor slab (suspended, non-suspended or raft) with at least 1200g DPM or a beam and block or a pre-cast concrete slab with a minimum 2000g DPM/reinforced gas membrane;</li> <li>A proprietary gas resistant membrane installed and certified by a specialist contractor under CQA. All service entrance points, joints and penetrations must be identified and demonstrated to be sealed.</li> </ul> <p>b. the site has been encapsulated in hard-standing as per proposed development plan as presented in figure 4 of the RSK report titled: <i>'Environmental Site Assessment and Generic Quantitative Risk Assessment – 78 College Avenue, Belfast'</i> report no. 601059 R1 (01), dated May 2015;</p> <p>Reason: Protection of human health.</p> <p>3. Prior to occupation of the proposed development, the applicant must submit, to the Planning Authority for approval, a Noise Verification Report (VR) which demonstrates evidence that:</p> <p>(a) The mitigation measures, recommended in the May 2015 F.R. Mark</p>

Noise Impact Assessment and illustrated in figure 3 of the F.R Mark report by way of upgraded window units and acoustically attenuated means of alternative ventilation for each facade have been incorporated the proposed building;

(b) The entire window system (including frames, seals etc) and acoustic ventilation have been so installed so as to ensure that internal noise levels within any proposed residential unit shall:

- 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;

-6-

- 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  $L_{Amax}$  for any single sound event 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;

(c) The rating level ( $dB_{LAr}$ ) of noise from all combined building plant services does not exceed the background sound level (for both daytime and night time) as outlined in the May 2015 F.R. Mark Noise Impact Assessment. The sound rating level shall be determined and all sound measurements shall be made in accordance with *BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound*.

Reason: In the interests of Environmental Health.

4. Prior to development commencing, a Construction Noise Management Plan shall be developed and submitted for review and approval by Belfast City Council's Environmental Protection Unit. This Plan should incorporate the recommended mitigation measures outlined in the F.R Mark Noise Impact Assessment dated May 2015 and outline the methods to be employed to minimise any noise and vibration impact of demolition and construction operations demonstrating 'best practicable means'. The Plan should pay due regard to *BS 5228:2009 Noise and Vibration Control on Construction and Open Sites* and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison.

Reason: In the interests of Environmental Health.

5. Deliveries and collections by commercial vehicles to and from the development shall only be made between the hours of 07.00 and 23.00hrs unless it can be demonstrated by the applicant that such activities will not result in noise disturbance at the nearest residential receptors.

Reason: In the interests of Environmental Health.

6. The proposed retail units shall not operate between the hours of 23:00hrs to 07:00hrs

Reason: To protect the residential amenity of neighbouring properties.

7. The development hereby permitted shall not become operational until the vehicular access, including visibility splays of 2.0 m x 45.0 m, has been constructed in accordance with the approved layout Drawing No. 'L101, Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 22 May 2015. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 'L101, Ground Floor Plan' bearing the Belfast City Council Planning Office date stamp 22 May 2015 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

9. A minimum of 85 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.

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

10. The development hereby permitted shall operate in accordance with the approved framework Travel Plan bearing the Belfast City Council Planning Office date stamp 22 May 2015. This includes provision of the Translink TaxSmart Initiative and the Bike2Work Initiative and measures to encourage sustainable travel by student residents agreed with the permanent site operator by TransportNI.

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

11. The development hereby permitted shall operate in accordance with the approved Service Management Plan bearing the Belfast City Council Planning Office date stamp 22 May 2015.

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

12. Prior to the commencement of development details of the external finishes, including samples of materials to be used shall be submitted to Belfast City Council for agreement in writing, the development shall be constructed in accordance with those exemplars agreed and noted on the approved drawings.

Reason: To ensure a quality standard of finish in the interests of visual amenity and



	the character and appearance of the area.
<b>12.0</b>	<b>Notification to Department (if relevant)</b> N/A
<b>13.0</b>	<b>Representations from Elected Members - N/A</b>

<b>ANNEX</b>	
<b>Date Valid</b>	22nd May 2015
<b>Date First Advertised</b>	26th June 2015
<b>Date Last Advertised</b>	29th January 2016
<p><b>Details of Neighbour Notification (all addresses)</b></p> <p>The Owner/Occupier, 1,35 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 10 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 12 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 14 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 17 Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 19 Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 23-29,Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 23-29,Queen Street,Town Parks,Belfast,Antrim,BT1 6EA, The Owner/Occupier, 34 College Street,Town Parks,Belfast,Antrim,BT1 6DR, The Owner/Occupier, 35 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 37 College Street,Town Parks,Belfast,Antrim,BT1 6BU, The Owner/Occupier, 5 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 5 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 5 College Court,Town Parks,Belfast,Antrim,BT1 6BS, The Owner/Occupier, 58 King Street,Town Parks,Belfast,Antrim,BT1 6AD, The Owner/Occupier, APARTMENT 101,56 King Street,Town Parks,Belfast,Antrim,BT1 6BF, The Owner/Occupier, APARTMENT 102,56 King Street,Town Parks,Belfast,Antrim,BT1 6BF, The Owner/Occupier, APARTMENT 103,56 King Street,Town Parks,Belfast,Antrim,BT1 6BF, The Owner/Occupier, APARTMENT 104,56 King Street,Town Parks,Belfast,Antrim,BT1 6BF, The Owner/Occupier, APARTMENT 105,56 King Street,Town Parks,Belfast,Antrim,BT1 6BF,</p>	

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 Hench, 1st Floor, 5 College Court, Belfast, BT1 6BS  
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 Studio 11, 3rd Floor, 5 College Court, Belfast, BT1 6BS  
 The Owner/Occupier,  
 Unit 5 College Court, Belfast  
 The Owner/Occupier,  
 Wee Toast Tours, 1st Floor, 5 College Court, Belfast, BT1 6BS

**Date of Last Neighbour Notification**

26th January 2016

<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: Z/2013/1063/F          Proposal: Ten storey hotel comprising of 250 bedrooms, meeting rooms with bar and restaurant to ground floor. Nine storey open plan office building with retail on ground floor with underground car parking.          Address: 78 College Avenue, Belfast, BT1 6BU,          Decision: PG          Decision Date: 20.02.2015</p> <p>Ref ID: Z/2007/0941/F          Proposal: Mixed use development of 114 no. apartments, 1 no. ground floor bookmakers shop, 1 no. retail unit, 4 no. live/work commercial units and ground level car parking.          Address: 54-62, King Street and 14-20 College Court, Town Parks, Belfast, BT01 6AD          Decision:          Decision Date: 07.08.2007</p> <p>Ref ID: Z/2008/1780/F          Proposal: Additional 3 apartments &amp; 2 commercial units to College Court with amendments to approved scheme (totalling 117 apartments, 7 commercial units, bookmakers &amp; car parking)          Address: 54-58 King Street &amp; 14-20 College Court.          Decision:          Decision Date: 13.02.2009</p> <p>Ref ID: Z/2005/2190/F          Proposal: Mixed use development of 114 apartments, 2 No. ground floor retail units, 4 No. live/work. commercial units and ground level car parking (21 spaces).          Address: 54-58 King Street and 14-20 College Court (Previous Astor Hall site), Belfast, BT1 6AD          Decision:          Decision Date: 15.01.2007</p> <p>Ref ID: Z/2009/0264/A          Proposal: 2 no. Shroud advertisement displays.          Address: Construction site at 54-58 King Street and 14-20 College Court.          Decision:          Decision Date: 15.04.2009</p> <p>Ref ID: Z/2011/0397/F          Proposal: Environmental improvement scheme, comprising new paving treatments,</p>	



lighting, planting, street furniture with events space, and erection of a new single storey pavilion on Bank Square to accommodate a cafe restaurant (excluding hot food bar)  
Address: Lands from Royal Avenue, along Berry Street, Bank Square, Chapel Lane, and lands at King Street, between College Avenue and Castle Street,  
Decision: PG  
Decision Date: 01.02.2012

Ref ID: Z/2014/0693/A  
Proposal: PVC mesh banner (temporary consent - 18 months)  
Address: College Court, King Street, Belfast, BT1 6BF,  
Decision: CR  
Decision Date: 09.01.2015

Ref ID: Z/2001/3246/F  
Proposal: New hotel development, ground and 9 upper storeys.  
Address: 78 College Avenue Belfast BT1 6BU  
Decision:  
Decision Date: 27.10.2003

Ref ID: LA04/2015/0419/F  
Proposal: Erection of a mixed use development (max 12 storeys) consisting of 804 bedroom managed student residential building with 3 ground floor retail, welfare facilities, associated ancillary accommodation, landscaped courtyards and an enclosed car park  
Address: 78 College Avenue, Belfast, BT1 6BU,  
Decision:  
Decision Date:

Ref ID: Z/1991/6001  
Proposal: 1.OFFICES2.RETAIL SHOP 3.LESUIRE USE 37 COLLEGE STREET  
Address: 37 COLLEGE STREET  
Decision:  
Decision Date:

Ref ID: Z/1999/2351  
Proposal: Demolition to ground level the existing derelict storage sheds and attached two storey brick built frontage extension  
Address: 37 COLLEGE STREET, BELFAST, BT1.  
Decision:  
Decision Date: 22.06.1999

Ref ID: Z/1974/0372  
Proposal: EXTENSION OF PLAYING FIELDS  
Address: CAROLAN ROAD, GRAMMER SCHOOL  
Decision:

Decision Date:

Ref ID: Z/2005/0176/F

Proposal: Erection of 10-storey hotel comprising 250no. bedrooms, meeting rooms with bar and restaurant on ground floor. Nine-storey open plan office building with ground floor retail unit and underground car parking.

Address: 78 College Avenue, Belfast, BT1 6BU

Decision:

Decision Date: 16.10.2008

Ref ID: Z/1993/2408

Proposal: Erection of office block with ground floor showrooms

Address: 64-78A KING STREET, 37 COLLEGE STREET AND 2-8 COLLEGE COURT, BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/2000/1302/DCA

Proposal: The existing vacant warehouse is to be demolished to facilitate the construction of a new mixed use development

Address: 78 College Avenue, Belfast, BT1 6BU

Decision:

Decision Date: 05.03.2002

Ref ID: Z/2000/1235/F

Proposal: Mixed use office, shops, and residential development.

Address: 78 College Avenue and 37 College Street, Belfast BT1 6BU

Decision:

Decision Date: 21.02.2002

Ref ID: Z/2012/0716/F

Proposal: erection of a new BT street cabinet to facilitate provision of new fibre optic infrastructure across BT network. Cabinet dimensions approx 1400mm high, 1200mm wide and 450mm deep

Address: At rear of footway at car park opposite 34 College Street Belfast BT1 6DR,

Decision: PG

Decision Date: 04.10.2012

Ref ID: Z/1994/2009

Proposal: Office development

Address: 10-12 COLLEGE COURT BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1990/2787

Proposal: Demolition of buildings and surfacing of site to form car park including the erection of a 3m high palisade fence

Address: 10/12 COLLEGE COURT BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1991/2872

Proposal: Change of use from garage premises to covered private car parking

Address: OPPOSITE NO 7A COLLEGE COURT BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1977/1209

Proposal: HOARDING

Address: 64-70 AND 74-78 KING STREET

Decision:

Decision Date:

Ref ID: Z/1994/6138

Proposal: Multi Storey car park development. 60-78 King Street / 2-12 College Court, Belfast.

Address: 60-78 King Street / 2-12 College Court, Belfast.

Decision:

Decision Date:

Ref ID: Z/2005/1065

Proposal: Demolition of existing office block and garage to rear (Renewal of existing approval (Z/2000/1622/CA)

Address: 54-58 King Street, BT1 6AD & 14-20 College Court, BT1 6BS

Decision:

Decision Date: 20.06.2005

Ref ID: Z/2005/1060

Proposal: Construction of commercial and retail premises along with basement parking. (Renewal of existing approval Z/2000/1618/F)

Address: 54-58 King Street & 14-20 College Court, Belfast, BT1 6AD, Land between the existing Astor Hall and the car park, BT1 6BS

Decision:

Decision Date: 20.06.2005

Ref ID: Z/2000/1618/F

Proposal: Construction of commercial and retail premises along with basement parking.

Address: Lands at 54-58 King Street and 14-20 College Court between the existing Astor Hall and car park.

Decision:  
Decision Date: 07.12.2001

**Summary of Consultee Responses**

**Drawing Numbers and Title**

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department: