Development Management Committee Report

Summary		
Committee Meeting Date: 11 June 2019		
Application ID: LA04/2019/0417/F		
Proposal: Purpose built managed student accommodation with 253 beds comprised of 220 cluster beds and 33 studio flats, shared communal facilities reception/management suite, retail/café unit fronting Botanic Avenue, external amenity space, provision of cycle stands, public realm works at University road and Botanic Avenue, and other ancillary accommodation including plant, storage and refuge areas.	Location: Botanic Link land created over the Belfast/Dublin railway line between University Road and Botanic Avenue.	

Referral Route: Major Application

Recommendation:	Approval
Applicant Name and Address:	Agent Name and Address:
Botanic Link Ltd	Turley
74A High Street	Hamilton House
Holywood	3 Joy Street
BT18 9AE	Belfast
	BT2 8LE

Executive Summary:

This application seeks to construct a building of 4 storeys on the raised platform above the railway line between University Road and Botanic Avenue to provide a 253-bed purpose built managed student accommodation (PBMSA) building.

The key issues for assessment include:

- The principle of PBMSA at this location;
- Compliance of the proposal with the HMO Subject Plan and PBMSA Guidance Document:
- Design and layout including the height, scale, massing;
- Impact on the conservation area
- Impact on listed buildings and the setting of listed building;
- Impact on amenity;
- Traffic, movement and parking;
- Drainage and Flooding;
- Other considerations

The principle of purpose built student accommodation is considered acceptable at this location. The site is located on zoned land for committed housing which is appropriate to the proposed use. It is close to the Queens University campus and is not located in or adjacent to a primarily residential area. The area is characterised by mixed commercial use with a number of shops, hot food bars, restaurant/cafes and public houses. The proposal is a compatible land use which does not conflict with relevant policy and other material considerations.

No representations were received.

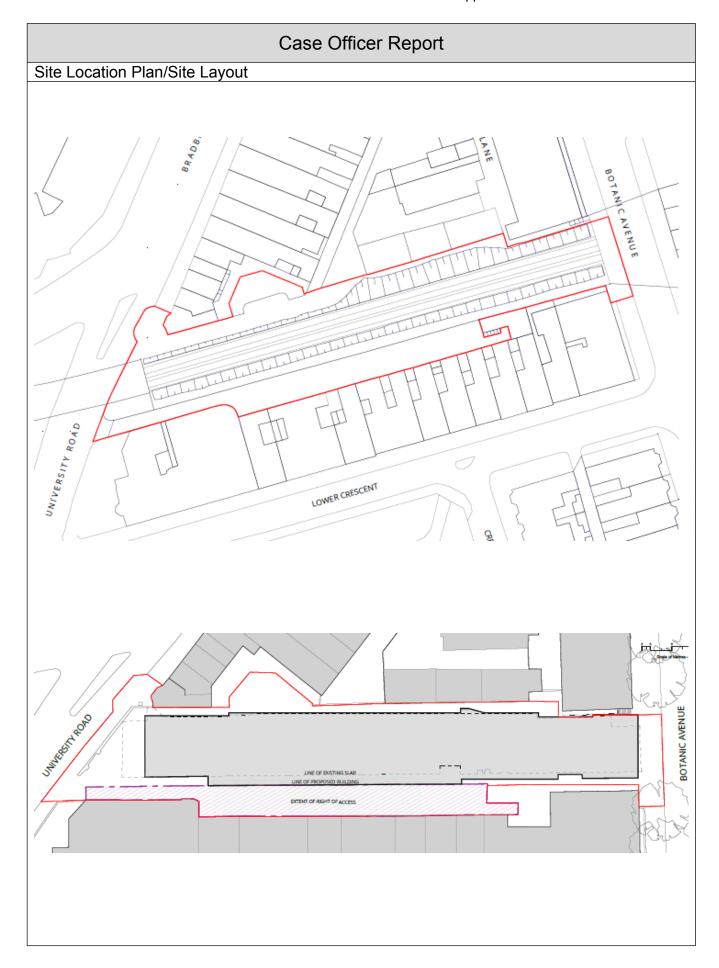
Consultations were undertaken with Dfl Roads Service, Historic Environment Division, Water Service, Environmental Health, Northern Ireland Transport Holding Company (NITHC), Rivers Agency, Building Control and the Urban Design and Conservation Officers. As the proposal benefitted from a robust PAD process in 2018, the design and other relevant matters were for the most part front-loaded.

Historic Environment Division have not yet uploaded their formal response. HED had raised one concern regarding the University Avenue elevation however HED have informally advised that amended plans received 16th May 2019 have addressed their concerns.

NITHC raised a number of stipulations they would like included such as retaining access to service hatches and ventilation shafts, a requirement for engineering reports, a requirement for a service agreement, the applicant covering monitoring costs, provision of a Project Risk Assessment, requirement of notice for works and covering future inspections. Officers view that these are civil matters between the two landowners on the site and that these can be included as informatives.

All other consultees responded with no objections and provide conditions and informatives.

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





Chara	Characteristics of the Site and Area		
1.0	Description of Proposed Development		
1.1	The site is located atop a concrete slab above a railway tunnel and therefore represents an unusual and challenging canvas for designers. The proposed building is four storeys in total above the slab. It runs the full length of the site from University Road to Botanic Avenue. Whilst it is a single building, it is comprised of five interlinked blocks with external courtyard areas.		
1.2	There are two primary elevations at University Road and Botanic Avenue which share commonality but address the individual circumstances of each frontage. The proposed materials range from red brick, render, glazed spandrel panels, glazed curtain walling, PPC aluminium louvres and window frames as well as glazed balustrades.		
2.0	Description of Site and Area		
2.1	The site at present is a long narrow plot, ranging from University Road to Botanic Avenue. Previously this contained a train line which was relocated underground almost 20 years ago. Bridge parapets were retained at either end of the site. There is now a concrete slab atop the tunnel.		
2.2	The surrounding area is characterised by its location close to Queen's University, Bradbury Place and Botanic with a variety of mostly non-residential uses such as cafes, restaurants, offices and hotels.		
Plann	ing Assessment of Policy and other Material Considerations		
3.0 3.1	Site History Z/1994/0225/F – proposed office and retail unit – Permission Granted 13.08.1994		
3.2	Z/2000/2060 – construction of 66 no apartments and 97 no parking spaces over 6 levels with offices/retail at both frontages – Permission Granted 05.03.2002		
3.3	Z/2007/0166/F – development of 5-storey building with 92 apartments over four floors with parking and retail units at ground floor level – Permission Granted 22.06.2009		
4.0	Policy Framework		
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004		
4.2	Regional Development Strategy 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 Planning Policy Statement 8 – Open Space Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 - Transportation and Land Use Planning Policy Statement 15 (Revised) - Planning and Flood Risk		

5.0	Other material considerations	
	Living Places (DoE) Planning and Place Advice Note: Purpose Built Managed Student Accommodation (BCC) Purpose Built Managed Student Accommodation in Belfast – Supplementary Planning Guidance (BCC)	
	Belfast: A Learning City: A framework for student housing and purpose built student accommodation (BCC) Creating Places (DoE)	
6.0	Statutory Consultees	
0.0	DFI Roads – recommend conditions and informatives NIW – Advice provided	
	Rivers Agency – no objections	
7.0	Non-Statutory Consultees	
	Environmental Health BCC – conditions and informatives provided Urban Design Officer – no objections BCC Tree Officer – no objections	
8.0	Representations	
	None received.	
9.0	ASSESSMENT	
9.1 9.1.1	<u>Development Plan</u> Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.	
9.1.2	Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.	
9.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 (as purported to be adopted) is considered to hold significant weight.	
9.1.4	The proposed development lies within the following designations: - Development Limit for Belfast City Centre (CC001) - City Centre Area of Parking Constraint (CC025) - Committed Housing Site (development ongoing/not started) (CC03/01) - University Road/Malone Road Arterial Route (AR01/11) - Queens Conservation Area - Shaftsbury Square Character Area (CC012)	
9.1.5	The proposed development is immediately abutted by the following designations:	

- Botanic Avenue Area of Townscape Character (BT016)
- Lower Lisburn Road Area of Townscape Character (BT042)
- Queens University Office Area (BT011)

Relevant policies include:

- Housing within the city centre (HOU 3)
- Parking in areas of parking restraint (TRAN 1)
- Urban Design (UE 1)

9.2 The principle of PBMSA at this location

- 9.2.1 HMO Subject Plan 2015 / PBMSA Supplementary Planning Guidance (PBMSA: SPG)
 The site is located outside of any HMO Policy nodes or policy areas identified within the subject plan. However, the principle of HMO development must be assessed against the criteria set out in Policy HMO 7 Large Scale Purpose Built Student Accommodation of the HMO Subject Plan.
- 9.2.2 This policy sets out 5 criteria which must be met in order to be acceptable:

 Criterion A the scheme provides 253 units which is well in excess of the minimum standard of 50 units.
 - Criterion B all units are self-contained.
 - **Criterion C** the proposal is not located within a primarily residential area.
 - **Criterion D** provision is made for the management of the building which will be served by two ground floor reception areas.
 - **Criterion E** landscaping and amenity space is provided within the development and a management plan has been submitted.

9.2.3 PBMSA in Belfast - Planning and Place Advice Note

This document sets out 6 key criteria.

Criterion A – the location of the development is immediately opposite Botanic Train Station, proximate to several bus routes, located on an arterial route and walking distance to both the city centre and Queens University.

Criterion B – relevant policy designations are listed at Paras 9.14 & 9.15 above.

Criterion C - the applicant is an existing PBMSA provider in Belfast and previous developments are of an excellent standard. The management plan submitted will ensure continuing positive management of the facility.

Criterion D – the design of the proposal has been carefully considered and negotiated to ensure that it is an appropriate fit in the urban landscape and the management plan submitted contains mitigation measures regarding noise, waste and transport.

Criterion E – two 24-hour reception areas are proposed within the management plan and the management plan covers both security and day-to-day management of the building and its occupants. The management plan submitted with the application addresses main points raised under criterion (e). A draft Section 76 agreement has been submitted alongside the Management Plan which includes the staffing and management of the development; security, cleaning, maintenance, health and safety management of antisocial behaviour; fire strategy; and complaints strategy. It is considered that the Section 76

and management plan will be sufficiently comprehensive to ensure that impacts to neighbouring land uses and prospective residents will be minimal.

Criterion F – a document entitled Belfast Student Needs Study commissioned by the applicant and undertaken by CBRE was submitted alongside the planning application dated November 2018. The headroom analysis on p16 of this document states that even if all approved student accommodation is built out that there would still be a headroom of 1500 full time students. The document also states that Queens University intend to expand some of its programmes and therefore overall student numbers.

9.2.4 The PBMSA: SPG and Best Practice Guide both stress the importance of good design, security, parking etc. as well as the importance of consideration of the built heritage and these are considered in depth under Planning Policy Statements 6 and 7.

9.3 The impact of the proposal on built heritage

9.3.1 The impact of the proposal on the Conservation Area

The proposal is located within Queens Conservation Area, adjacent to two Areas of Townscape Character and adjacent to/proximate to a number of listed buildings.

- 9.3.2 Section 104 of the Planning (NI) Act 2011 advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
- 9.3.3 The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.
- 9.3.4 Para 6.21 of the SPPS states that development within ATC's should only be permitted where the overall character would be maintained or enhanced. While the proposal is abutting and not within the ATC, its potential impact on the ATC is a material consideration.
- 9.3.5 The site is located within the Queens Conservation Area as designated in the BUAP and BMAP. Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the conservation area.

(a) the development preserves or enhances the character and appearance of the area;

As the current site has been subject to dumping and anti-social behaviour, it detracts from the conservation area. The proposal will bring the site into use, creating a link for its residents between the two primary frontages and will revitalise public realm and right of way adjacent to the site. The Conservation Officer states "as a whole, the design, scale and massing as now proposed are considered an appropriate solution to address both main streetscapes, whilst maximising a derelict and challenging brownfield site" and that "the proposal is now considered sufficient quality to enhance the overall character and appearance of the conservation area".

(b) the development is in sympathy with the characteristic built form of the area

The surrounding heights of both primary elevations is between 2 and 5 storeys approximately and the proposed height of the proposal is 4 storeys over the tunnel. Although the built form is uncharacteristically large due to the length and narrowness of the site, this form will not be perceptible from any surrounding streets which means the book-ends are the key features for consideration. The design has been considered by HED, the Urban Design Officer and Conservation Officer to be appropriate to the locale.

c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;

This is considered in detail under Paras 9.3.6 and 9.4.1-9.4.2. The Conservation Officer states "Queens Conservation Area Guide sets out broad principles and expectations for new development to conserve and enhance the historical characteristics of the conservation area and its heritage assets" and that he does "not believe that the proposal would detract from or harm the character and appearance of the conservation area in terms of either its immediate surroundings or its wider context".

(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area:

Environmental Health were consulted with the requisite documents and provided conditions and informatives.

(e) important views within, into and out of the area are protected

The building line was retracted from the University Road elevation to ensure that views of the Crescent Arts Centre and other notable features were not obscured. The views in and out of the Queens Conservation Area are considered to be enhanced by the proposal as there will no longer be an unsightly gap in the frontage.

(f) trees and other landscape features contributing to the character or appearance of the area are protected;

No trees or landscape features are to be impacted as a result of the proposal.

(g) the development conforms to the guidance set out in conservation area documents.

The proposal is considered to conform to relevant guidance.

9.3.6 The impact of the proposal on nearby Listed Buildings

Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are a number of listed buildings in the immediate vicinity that would be affected by the proposal. These are:

HB26/30/074 - Bradbury Buildings 48-58 Bradbury Place Belfast - Grade B2

HB26/27/016 - Crescent Arts Centre 2 University Road - Grade B+

HB26/27/010 A - L 1 - 12 Lower Crescent, Belfast - Mix of Grade B1 and Grade B2

HB26/27/034 – Empire Bar, 42 Botanic Avenue – Grade B2

Policy BH11 contains a number of criteria:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;

The proposal has benefitted from a robust PAD process which involved a round-table collaborative approach between officers, HED and the applicant's design team. Of particular focus was the elevation onto University Road, which was explored in numerous iterations in order to achieve the best design, layout and mass to ensure the elevation was sympathetic to the listed buildings either side of the site.

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

As detailed above, numerous design were explored and the final scheme has resulted in a proposal with locally influenced materials such as red brick and render.

(c) The nature of the use proposed respects the character of the setting of the building

The proposed use as PBMSA is residential in nature, and an appropriate use in keeping with the educational and commercial uses prevalent in the area.

9.4 Design

- 9.4.1 The Design Officer's consultation response to the PAD accurately summarises that "the maximisation of the building footprint is considered acceptable on the proviso that the building responds to local context in terms of scale and height, protects key views within the area including those from Lower/Upper Crescent (a sensitive location in terms of listed buildings and the conservation area) and dependent on the appropriate design and detailing the two bookends onto University Road and Botanic Avenue".
- 9.4.2 These central concerns have led to amendments of design and height to ensure that:
 - The building is not visible from Upper/Lower Crescent in order to ensure the uniformity of the listed buildings is not disrupted
 - The form and articulation of the massing of the University Road elevation was sufficiently set back, reduced and articulated in order to ensure that the building does not negatively impact on the views of Crescent Arts Centre, the Moravian Church, the Deconsecrated Methodist Church and the Crescent Church. The Design Officer notes how the changes "successfully deal with the transition between the domestic scale of the listed two storey Bradbury Buildings and the more civic scale of the Crescent Arts Centre".
 - The detailed design has evolved to the current submission with improved solid to void ratios and appropriate fenestration
 - Similarly the Botanic Avenue elevation has been subject to several design and layout iterations which the Design Officer described as "an early amendment being the incorporation of a secondary entrance to the student residences (given the local of the station directly opposite), which was welcomed. Given the elevated nature of the site over the bridge, the building is afforded a degree of prominence in terms of scale and height. At the request of the Council, subsequent amendments have seen a re-examination of the proposed building line which saw it being pushed back to respect those of adjacent buildings either side, which again was welcomed".
- 9.4.3 Designation CC013 of the dBMAP for the Shaftesbury Square Character Area state that any "part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys". The proposed height is four storeys however as this is located on a concrete plinth above the railway, the overall appearance is that of 5 storeys or 14.7m at eaves. The proposed height is in keeping with dBMAP.

9.5 Amenity of future occupants and nearby properties

9.5.1 PPS 7- Quality Residential Environments

Whilst PBMSA is classified as suis generis, the guidance documents advise that the use is residential in nature and therefore PPS 7 applies. 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.

9.5.2 It is considered that:

- (a) The development respects the surrounding context in terms of layout, scale, massing and design
- (b) The development is sympathetic to nearby listed buildings and the conservation area
- (c) Adequate provision of public open space has been provided along with appropriate parking
- (d) Improvements to public realm are proposed
- (e) & (f) The development relies appropriately on sustainable methods of transport such as cycling, walking and public transport.
- (g) The development draws on best local traditions of materials and detailing
- (h) The design and layout will not create conflict with adjacent land uses and there will be no unacceptable overlooking, loss of light, overshadowing, noise or disturbance
- (i) The development contains 24 hour security at both elevations
- 9.5.3 The development has therefore been assessed against QD1 and found to be acceptable.

9.6 Traffic, Movement and Parking

- 9.6.1 Following submission of further information, DFI Roads has no objections subject to conditions and informatives. The proposal provides no car parking but this is a sustainable location and there is provision for 75 cycle spaces. There is no incurtilage disabled car parking spaces provided. Given the physical constraints of the site coupled with research conducted by DfI Roads, it is considered that on this occasion, on-street disabled car parking provision would be acceptable.
- 9.6.2 A robust travel plan was submitted which was considered satisfactory by Dfl Roads.

9.7 Contaminated Land

9.7.1 The applicant submitted an RSK Preliminary Risk Assessment Botanic Link (no 602337-R1 (01) dated February2019) which identified potential pollutants as a risk class of low. The site is covered in hard standing and so potential direct pathways are incomplete.

9.8 Noise/Air Quality

- 9.8.1 A Noise Impact Assessment was submitted with the application and further clarification in response to comments by Environmental Health were also submitted. Environmental Health have requested number of conditions in relation to noise, vibration and construction management.
- 9.8.2 An Air Quality Impact Assessment was submitted and Environmental Health stated that the assessment has demonstrated that future occupants will not be exposed to air quality concentrations exceeding AQ objectives and European Limit Values.

9.9 Drainage and Flooding

9.9.1 A drainage assessment was submitted as per PPS 15 Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requirement for proposals exceeding 10 or more residential units. DFI Rivers have reviewed the content of the drainage assessment and have concluded that the applicant has provided adequate drainage calculations to support their proposal and offer no objections. Furthermore, the applicant has received consent from NI Water to discharge storm water runoff.

9.10 Fire Safety, Waste Management and Disabled Access

9.10.1 Building Control confirm that there appears to be sufficient development opportunity within the footprint of the proposed building to comply with the Building Regulations (NI) 2012 in respect to Fire Safety, solid waste in buildings and access and facilities for disabled people. The applicant also provided an adequate Waste Management Strategy which indicates that waste will be managed and collected by a private operator.

9.11 Developer Contributions

- 9.11.1 Contributions to local environmental improvements will primarily take the form of public realm improvements to the streetscape to the fronts of the building along University Road and Botanic Avenue_in order to enhance the pedestrian environment. This will be secured through the use of planning conditions.
- 9.11.2 A Section 76 Agreement was submitted which contains covenants regarding a community apprenticeship, management of the property, notification and monitoring fees. This is in the process of being agreed with the Council's legal department.

9.12 <u>Pre-application community consultation</u>

- 9.12.1 For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant seeking planning permission to consult the community in advance of submitting an application.
- 9.12.2 Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2018/1481/PAN) was submitted to the Council on 11th June 2018 and was deemed acceptable on 27th June 2018.
- 9.12.3 Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of the public events, stakeholder letters, leaflets and the public advertisement.
- 9.12.4 A number of comments/questions were submitted ranging from commenting on the use to how the use will be managed. Cycle and car parking, anti-social behaviour and the existing right of way were all discussed. Confirmation of 71 cycle spaces and no incurtilage parking were confirmed. The Management Plan was discussed in terms of managing student behaviour. Confirmation of access to the right of way was given.
- 9.12.5 It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

9.13 Statutory Consultation

9.13.1 The revised scheme was first advertised on 7th March 2019 and neighbours/objectors notified on 5th March 2019. The amended scheme was advertised on 21st May 2019 and neighbours notified on 20th May 2019.

10.0	Summary of Recommendation:
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval is recommended subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to resolve any matters in relation the outstanding consultation response from HED and to finalise the wording of conditions and to enter into the Section 76.
11.0	Conditions
11.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
	Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
11.2	The development hereby permitted shall not become operational unless hard surfaced area have been constructed in accordance with the approved layout Drawing No. '2197_334, GA Main Entrance Plan Level 00' published by the Belfast City Council Planning Office on 15 May 2019 and Drawing No. '2197_333, GA Plan Retail Level 00' published by the Belfast City Council Planning Office on 15 May 2019 to provide adequate facilities for cycle parking, servicing and circulating within the site.
	Reason: To ensure that adequate provision has been made for parking and servicing.
11.3	The development hereby permitted shall not become operational unless 2 No. disabled parking bays have been provided within 50 m of the entrances, generally in accordance with the Transport Statement published by the Belfast City Council Planning Office on 21 May 2019. The disabled parking bays must be applied for through the Roads Order and resolved in a manner acceptable to the Department for Infrastructure and permanently retained thereafter.
	Reason: To ensure that adequate provision has been made for parking and servicing.
11.4	The development hereby permitted shall not become operational unless a minimum of 55 No. internal and 20 external cycle parking spaces have been provided. A minimum of 75 no cycle parking spaces shall be permanently retained close to the accesses of 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.
11.5	The development hereby permitted shall at all times operate in accordance with the approved Service Management Plan published by the Belfast City Council Planning Office on 21 May 2019.
	Reason: In the interests of road safety and the convenience of road users.
11.6	The development hereby permitted shall at all times operate in accordance with the approved Framework Travel Plan published by the Belfast City Council Planning Office on 21 May 2019. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by Dfl Roads.
	Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

The development hereby permitted shall not become operational unless the boilers and central heating plant associated with this permitted proposal have met the technical specification (or equivalent) as detailed in section1.45 and table 1.21 of RPS: Air Quality Impact Assessment Report, Proposed Student Accommodation, Botanic Link, Belfast (February 2019). The flue will terminate above roof level.

Reason: Protection of human health

11.8 No construction of the hereby permitted development may commence unless a Construction Noise Vibration and Dust Management Plan has been submitted to and approved in writing by the Council. It shall outline the methods to be employed to minimise any noise and vibration and dust impact of construction operations demonstrating 'best practicable means. The plan should pay due regard to BS 5228:2009 Code of practice for Noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Construction works must be carried out in line with the approved plan. All construction thereafter must be in accordance with the approved Construction Noise Vibration and Dust Management Plan.

Reason: Protection of residential amenity.

- 11.9 No construction of the hereby permitted development may commence unless a Final Management Plan has been submitted to and agreed in writing by the Council. 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 include detailed arrangements to address the following matters:
 - Noise Control and tenant behaviour;
 - Measures for controlling hours of use and potential noise disturbance from
 - the proposed external amenity spaces
 - Proposed liaison arrangements with the relevant education institutes, the Council and the PSNI in relation to tenant behaviour.
- 11.10 All operations thereafter must be in accordance with the approved Final Management Plan.

Reason: Protection of residential amenity

- 11.11 The ground floor café within the hereby permitted development shall not become operational unless a proprietary, fit for purpose odour abatement system has been installed to suppress and disperse odours created from cooking operation on the premises. The outlet from any extract ventilation ducting shall terminate at a height of 1m above the main roof and should be directed away from nearby premises.
- 11.12 The odour abatement system must be permanently retained thereafter.

Reason: Protection of residential amenity

11.13 No construction of the hereby permitted development may commence unless a scheme for the sound insulation and noise control measures for the façade and between the ground floor uses and the residential units to achieve suitable internal targets has been submitted to and approved in writing by the Council. Reference should be made to the Bickerdiek Allen Partner Noise and Vibration impact assessment report no A11197-R02-TG-V1 dated 15th May 2019.

All operations thereafter shall be in accordance with the approved scheme.

Reason: Protection of residential amenity

11.14 The development hereby permitted shall not become occupied unless a Noise Verification Report has been submitted to and approved by the Council which demonstrates that:

- a) The approved noise mitigation have been implemented so as to ensure that the following noise targets are not exceeded;
- 35 dB LAeq,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;
- 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB LAmax F more than 10 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.
- b) That the anti-vibration mitigation measures beneath the ground floor slabs as specified in the Bickerdiek Allen Partners Noise Impact assessment dated May 2019 and in the Bickerdiek Allen Partners Response to EHO review dated 3/5/19 ref; A11197-00-MM001 have been installed so as to ensure ground borne noise shall not exceed 40dB LAmax, slow as measured in the centre of any habitable room of the student accommodation.
- c) The design and installation of proposed fixed plant is such that when operating the cumulative Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) when measured or determined at 1m from the façade of the nearest noise sensitive premises. The measurement and /or prediction of the noise should be carried out in line with a methodology outlined in BS4142:2014 Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

Reason: Protection of residential amenity.

11.15 Service deliveries and collections to/from the retail units/cafe shall not take place between 11pm and 7am.

Reason: Protection of residential amenity.

11.16 The external amenity areas shall not be used between 10pm and 8am.

Reason: Protection of residential amenity.

11.17 Within the first year of commencement of operation of the hereby permitted development, the Applicant must submit to the Council for approval 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.

Reason: Protection of residential amenity

11.18 Notwithstanding the submitted details, no development shall commence on site unless full details of the public realm improvements to the footway bounding the site in the areas shown on Drawing Number 23A received on 16 May 2019 have been submitted to and approved in writing by the Council. The details shall include:

1. Surface materials; and
2. The design and provision of underground ducting.

The development shall not be occupied unless the public realm improvements have been

The development shall not be occupied unless the public realm improvements have beer carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area, the setting of nearby Listed Buildings, and to enhance connectivity to and from the development.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

11.20 Notwithstanding the submitted details, no external brick-facing or door/window reveals shall be constructed or applied unless in accordance with a schedule of external materials and sample panels, which shall first have been constructed on site and agreed in writing by the Council.

The sample panels shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick facing materials

The approved sample panels shall be retained on site and made available for inspection by the Council for the duration of the construction works.

The works must be implemented and permanently retained in accordance with the details so approved.

Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of the nearby listed buildings.

- 12.0 Representations from Elected Representatives (if relevant)
 N/A
- **13.0** Referral to DfI (if relevant) N/A

ANNEX	
Date Valid	22nd February 2019
Date First Advertised	15th March 2019
Date Last Advertised	24th May 2019

Details of Neighbour Notification (all addresses)

The Owner/Occupier.

1 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

1 Malone Place, Belfast, Antrim, BT12 5FD

The Owner/Occupier,

1 University Road, Belfast, Antrim, BT7 1NA

The Owner/Occupier.

1-2, The Carriages, 42 Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

11 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

12-13 ,Lower Crescent,Belfast,Antrim,BT7 1NR

The Owner/Occupier,

2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

2,11 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

205 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier,

25-41 ,Botanic Avenue,Belfast,Antrim,BT7 1JG

The Owner/Occupier,

27 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier.

29 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier,

3 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier.

3,11 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

33 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier,

35 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier,

35 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier.

37 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

37-39 .Botanic Avenue.Belfast,Antrim,BT7 1JG

The Owner/Occupier,

38 Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

39 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

39 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier.

41 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

43 Botanic Avenue, Belfast, Antrim, BT7 1JG

The Owner/Occupier,

43 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

43a ,Botanic Avenue,Belfast,Antrim,BT7 1JG

The Owner/Occupier,

44 Bradbury Place, Belfast, Antrim, BT7 1RU

The Owner/Occupier,

45 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier.

46 Bradbury Place, Belfast, Antrim, BT7 1RU

The Owner/Occupier,

46a ,Bradbury Place,Belfast,Antrim,BT7 1RU

The Owner/Occupier,

46b ,Bradbury Place,Belfast,Antrim,BT7 1RU

The Owner/Occupier,

48 Bradbury Place, Belfast, Antrim, BT7 1RU

The Owner/Occupier.

5-6 ,Lower Crescent,Belfast,Antrim,BT7 1NR

The Owner/Occupier,

5-6 ,Lower Crescent,Belfast,Antrim,BT7 1NR

The Owner/Occupier,

50 Bradbury Place, Belfast, Antrim, BT7 1RU

The Owner/Occupier,

51 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

53 Bradbury Place, Belfast, Antrim, BT7 1RR

The Owner/Occupier,

Apartment 1,207 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier.

Apartment 1,3 Malone Place, Belfast, Antrim, BT12 5FD

The Owner/Occupier,

Apartment 2,207 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier,

Apartment 2,3 Malone Place, Belfast, Antrim, BT12 5FD

The Owner/Occupier,

Apartment 3,207 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier,

Apartment 3,3 Malone Place, Belfast, Antrim, BT12 5FD

The Owner/Occupier.

Apartment 4,207 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier,

Apartment 5,207 Sandy Row, Belfast, Antrim, BT12 5ED

The Owner/Occupier.

Botanic Station, Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

First Floor Office, 9 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 1,4 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 1,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH

The Owner/Occupier,

Flat 10, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 11, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 12, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 13, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 14, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 15, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 16, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 17, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 18, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 19, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 2,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier.

Flat 2,4 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 2, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 20, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 21, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 22, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 23, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 24, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 25, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 26, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 27, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 28, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 29, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 3,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 3,4 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 3, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 30, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 31, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 32, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 33, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 34, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 35, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 36, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 37, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 38, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 39, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 4,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier.

Flat 4,4 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 4, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 40, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 41, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 42, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 43.Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 44, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 45, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 46, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 47, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 48, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 49, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 5,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 5,4 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 5, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 50, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 51, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 52, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 53, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 54, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 55, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 6,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 6, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 7,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Flat 7, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Flat 8, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier,

Flat 9, Tollgate House, Bradbury Place, Belfast, Antrim, BT7 1PH

The Owner/Occupier.

Ground Floor Office, 8 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Office 1,10 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier.

Office 1st Floor,2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Office 2nd Floor, 2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Office 3,9 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Second Floor Office,8 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Second Floor Office, 9 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Shop, The Carriages, 42 Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

Store 3rd Floor, 2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

Surgery, 2 Lower Crescent, Belfast, Antrim, BT7 1NR

The Owner/Occupier,

The Carriages, 42 Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

The Carriages, 42 Botanic Avenue, Belfast, Antrim, BT7 1JQ

The Owner/Occupier,

Unit 1, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Unit 2, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Unit 3, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Unit 4, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier,

Unit 5, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NA

The Owner/Occupier,

Unit 6, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier.

Unit 7, Crescent Arts Centre, University Road, Belfast, Antrim, BT7 1NH

The Owner/Occupier.

University Road Moravian Church, University Road, Belfast, Antrim, BT7 1NA

Date of Last Neighbour Notification	21st May 2019
Date of EIA Determination	1st March 2019
ES Requested	No

Planning History

Z/1994/0225/F – proposed office and retail unit – Permission Granted 13.08.1994

Z/2000/2060 – construction of 66 no apartments and 97 no parking spaces over 6 levels with offices/retail at both frontages – Permission Granted 05.03.2002

Z/2007/0166/F – development of 5-storey building with 92 apartments over four floors with parking and retail units at ground floor level – Permission Granted 22.06.2009