

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Thursday 19 August 2021	
Application ID: LA04/2021/0516/F	
Proposal: Erection of a Purpose-Built Managed Student Accommodation development comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. (Amendment to planning approval LA04/2015/0609/F).	Location: 140 Donegall Street, Belfast, BT1 2FJ.
Referral Route: Major application	
Recommendation: Approve with conditions	
Applicant Name and Address: LDS Devco Ltd Hannaway CA The Gasworks 12 Cromac Place Belfast BT7 2JB	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: The application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works. This application follows the granting of planning permission at appeal for a previous scheme of 620 units with 54 car parking spaces at lower ground floor level (LA04/2015/0609/F). The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • Principle of Student Accommodation at this location • Impact on Built Heritage • Scale, Massing and Design • Waste Water Infrastructure Capacity • Open Space Provision • Traffic and Parking • Impact on Amenity • Contamination • Impact on Air Quality • Noise • Drainage and Flooding • Developer Contributions • Pre-application Community Consultation 	

The principle of student accommodation at this site is established with an extant permission for a 620 bed scheme (LA04/2015/0609/F) (allowed at planning appeal). An additional 104 units are proposed with basement parking now omitted. 15 on-site parking spaces are proposed compared to 54 spaces in the previously approved scheme.

The design of the proposed building is considered to be an improvement over the previous permission. The design, detailing and materiality including tonal red bricked finish reflects the industrial character of this part of the city centre. Subtle detailing has helped break up what could be an imposing block and has added significantly to the previously approved design. DfC Historic Environment Division (HED) have welcomed the proposed design changes.

Subject to a robust Travel Plan, the proposed approach to parking is considered acceptable given the highly accessible nature of the site and is consistent with other previously approved city centre PBMSA schemes which also have little or no on-site parking.

Statutory Consultees

DFI Roads – No objection

DAERA – Approval subject to conditions

Rivers Agency – No objections

NI Water – No objection

Belfast City Airport – No objections

Shared Environmental Services – Approval subject to conditions

Non-Statutory Consultees

Environmental Health BCC – Approval subject to conditions

Urban Design Officer – No Objections (final detailed comments awaited)

Building Control – No objections

No representations have been received from the community or third parties.

Recommendation

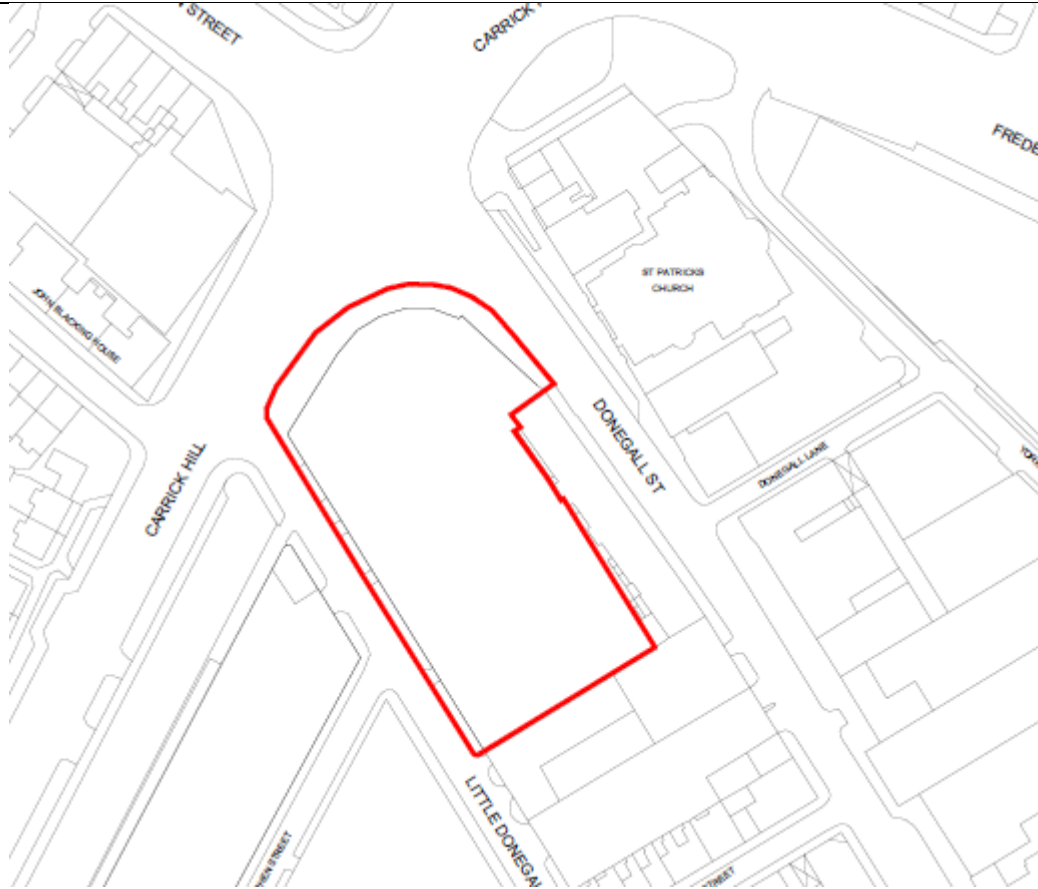
Having regard to the statutory development plan, the draft development plan, relevant planning policies, the site's planning history and consideration of the issues set out in this report, the proposed development is considered acceptable.

It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve the application subject to conditions and to finalise their wording, and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised and to resolve any issues arising from any outstanding consultation responses.

Signature(s):

Case Officer Report

Site Location Plan



1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of Purpose Built Managed Student Accommodation comprising 724 no. units, courtyards, ancillary accommodation and facilities, cycle and car parking and all other associated site and access works.
1.2	The proposed building would vary in height between 6 and 9 stories with the highest part along the Little Donegall Street aspect. It would be arranged in a U-shape wrapping around part of Donegall Street, Carrick Hill and Little Donegall Street, with two further accommodation blocks protruding into the internal courtyard areas to the rear of the Little Donegall Street side. The proposed external materials would comprise a mix of several brick types, with areas of cladding, including zinc, on upper sections.

1.3	External amenity space is to be provided in the form of three courtyards enclosed by the built structure and the adjacent Marshall Building. There are also to be interior recreation spaces and a gym.
1.4	Resident access to the building would be from the Carrick Hill elevation, with vehicular access from Little Donegall Street. This would serve 15 on-site parking spaces.
2.0	Description of Site
2.1	The site measures approximately 0.4 ha in size and comprises a former surface level carpark situated between Donegall Street and Little Donegall Street. Carrick Hill bounds the site to the north and north-west. The site is currently accessed from Little Donegall Street. A large four storey building lies adjacent and north-east of the site along the Donegall Street frontage.
2.2	There is a row of listed buildings opposite and north-east on the opposite side of Donegall Street comprised of several terraced Georgian dwellings, St Patrick's Church, and the Christian Brothers School building.
2.3	The site occupies a mixed use area with various shops and commercial premises further along Donegall Street to the east of the site. Opposite and north is the Carrick Hill housing area on the other side of a four lane orbital road. To the west on the opposite side of Little Donegall Street is a four storey social housing block and to its rear another surface level car park.
2.4	The following land-use zonings apply to the site: <ul style="list-style-type: none"> • Belfast Urban Area Plan – unzoned whiteland • Draft Belfast Metropolitan Area Plan (2004) – Development Opportunity Site/City Centre Gateway/Scotch and Cathedral Quarter Character Area • Draft Belfast Metropolitan Area Plan (2015) – Social Housing Zoning/Scotch and Cathedral Quarter Character Area • In the HMO SP the appeal site lies within the HMO Development Node HMO 4/17 Scotch Quarter.
3.0	Planning History
3.1	Z/2006/1544/F - Erection of 226 No. 1 and 2 bed apartments to include conversion of upper floors of existing buildings to apartments together with two levels of car parking. Approved 6 th June 2008.
3.2	LA04/2015/0609/F - Purpose built managed student accommodation comprising 620 no. units with associated amenity and ancillary support accommodation with 54 no. lower ground floor parking spaces Decision: PAC Approval PAC REF: 2016/A0202 Decision Date: 21 st Nov 2017
3.3	LA04/2020/1606/NMC – Non-material change. Approved 23 rd October 2020
3.4	LA04/2020/2431/NMC – Non-material change. Approved 23 rd December 2020.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 (v2014) Draft Belfast Metropolitan Area Plan 2015 (v2004)

	Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2
4.2	<p>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement and Parking Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk HMO Subject Plan 2015 Purpose Built Managed Student Accommodation in Belfast – Advice Note Belfast: A Framework for student housing and purpose built student accommodation Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 Creating Places BCC Developer Contribution Framework</p>
5.0	<p>Statutory Consultees DFI Roads – No objection DFC HED – No objection DAERA – Approval subject to conditions Rivers Agency – No objections NI Water – No objection Belfast City Airport – No objections Shared Environmental Services – Approval subject to conditions</p>
6.0	<p>Non-Statutory Consultees Environmental Health BCC – Approval subject to conditions Urban Design Officer – No Objections (final comments awaited) Building Control – No objection</p>
7.0	<p>Representations No third party representations have been received.</p>
8.0	<p>Other Material Considerations The Belfast Agenda (Community Plan).</p>
9.0	PLANNING ASSESSMENT
9.1	<p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of Student Accommodation at this location • Impact on Built Heritage • Scale, Massing and Design • Waste Water Infrastructure Capacity • Open Space Provision • Traffic and Parking • Impact on Amenity • Contamination • Impact on Air Quality • Noise • Drainage and Flooding • Developer Contributions • Pre-application Community Consultation

	<p>Development Plan Context</p>
9.2	Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the 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.
9.3	Following the 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 the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.4	Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
9.5	The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (HMO SP) is a freestanding plan. It has not been affected by the judgement that BMAP was unlawfully adopted.
9.6	Belfast Urban Area Plan (BUAP) – the site is located on unzoned “whitelands” within the development limits of Belfast.
9.7	Draft BMAP designations – in the draft Belfast Metropolitan Area Plan (2015) the site is located on a social housing zoning and part of the site is zoned as a city centre gateway. The site is also located within the Scotch and Cathedral Quarter Character Area.
	<p>Principle of Student Accommodation</p>
9.8	The principle of student accommodation at this site has been established through the previous extant planning permission grant at appeal. This remains extant until 2022.
9.9	The proposal has also been assessed against Policy HMO 7 of the Subject Plan for Belfast City Council Area 2015. This establishes the principle of development of the site for Purpose Built Managed Student Accommodation.
9.10	Policy HMO 7 Large Scale Purpose Built Student Accommodation is the current planning policy which explicitly relates to the provision of PBMSA, stating that planning permission will only be granted for large scale purpose built student accommodation where all of the following criteria are met:
9.11	<p><i>Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants.</i></p> <p>The proposal is for 720 beds. Therefore, this criterion is met.</p>
9.12	<p><i>All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupiers).</i></p> <p>Not all units are self-contained with the majority of rooms having no kitchen. However, this is off set with the provision of communal kitchen and common room areas referred to as ‘clusters, located evenly around each floor and within a short distance of any of the smaller single bedrooms.</p>

9.13	<p><i>The location is not within a primarily residential area uses.</i> The site is not within a primarily residential area. Environmental Health have no objections in terms of any potential impact on the nearest residential properties, approximately 25m south and 12m east of the site within Carrick Hill.</p>
9.14	<p><i>Provision is made for management of all accommodation. This may require an Article 40 agreement with Belfast City Council (Section 76 under the Planning Act (Northern Ireland 2015))</i> A Student Management Plan has been prepared by Mezzino and submitted in support of the application. This will provide the following management interventions:</p> <ul style="list-style-type: none"> • Reception services • Creation of a centralised communication hub • An on-site management team to be put in place • Management of anti-social behaviour (4 tier escalation process) • Secured controlled access (App based) • CCTV operation within communal areas • On-site maintenance • Complaints procedure
9.15	<p>Environmental Health is satisfied with the submitted Management Plan. The Management Plan would be secured via a Section 76 planning agreement as has been the approach for other PBSMA developments across the city.</p>
9.16	<p><i>Landscaping and amenity space are provided in accordance with a landscaping plan indicating all landscaping proposals for the scheme and, where relevant making provision for future maintenance.</i> Two enclosed landscaped ground floor courtyards of approximately 700 square metres in total are located internally and defined on each side by the two rear ‘legs’ of the building. A ‘common area’ is proposed at ground floor level, measuring approximately 130 square metres. Two cluster rooms are provided at ground floor level, 12 on 1st floor, 13 on 2nd to 6th floors, 12 on 7th, 11 on 8th and 2 on 9th floor. The internal communal space offered by the cluster rooms ranges between 20 sqm for the 4 bed clusters and 30 sqm for the 6 bed clusters (i.e. 5 sqm per room).</p>
9.17	<p>The proposal has been assessed against the Council’s planning guidance ‘Purpose Built Managed Student Accommodation in Belfast – Planning and Place Advice Note’. Whilst guidance and not planning policy, it is an important material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to:</p> <ol style="list-style-type: none"> A. The development should be at a location which is easily accessible to university/college campuses by sustainable transport modes; B. Policy designations specific to the City Centre; C. Layout, design and facilities provided within the development are of high standards; D. The development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area; E. The development has appropriate management in place to create a positive and safe living environment for students whilst minimising any potential negative impacts from occupants; and F. The development meets and identified need for the type of accommodation proposed.
9.18	<p>These criteria are assessed in turn as follows.</p>

<p>9.19</p> <p>9.20</p>	<p><u>Criteria A</u> The site lies within a short distance of the new University of Ulster complex, approximately 130m away, and within 25 mins walking distance of Queens University Belfast. The site is currently well serviced by the existing public transport infrastructure. It benefits from 18 bus-stops located within a 400m walking distance of the site. The site is also located approximately 800m walking distance from Millfield Belfast Glider Halt. For more extensive services, the Europa Bus Station and future Transport Hub are located approximately 1km south of the site. Yorkgate and Great Victoria Street Train Stations are located approximately 1km from the development site. These train stations provide connections to Bangor, Derry, Lisburn as well as other Belfast train halts.</p> <p><u>Criterion B</u> Requires the need to assess the proposal in relation to policy designations specific to the city centre. The proposal is located on un-zoned land in the BUAP and on a social housing zoning within the Draft BMAP. However, use of the site for student accommodation has been established through the granting of the previous approval.</p> <p><u>Criterion C</u> The proposed design is considered an improvement over the extant permission as explored in more detail later in the report. In terms of the specified space standards the smallest units have a floor area of 18 sqm with the larger rooms having an area of 26 sqm, both above the 10 square metres standard for 1 person rooms.</p> <p><u>Criterion D</u> There are residential properties immediately south of the site. Environmental Health have offered no objection in terms of the impact of the proposal on nearby properties and the site will be managed by a robust management plan.</p> <p><u>Criterion E</u> As previously state, a Student Management Plan has been prepared by Mezzino and submitted in support of the application. Environmental Health have offered no objection to the Management Plan which will be secured by means of a S76 planning agreement.</p> <p><u>Criterion F</u> Given the extant permission on the site for student accommodation it is not necessary to demonstrate need.</p> <p>Impact on Built Heritage Historic Environment Division (HED) has advised that the proposal will affect the setting of a number of listed buildings of special architectural or historic interest including:</p> <ul style="list-style-type: none"> • HB26 50 077A – St Patrick’s Church (Grade B+) • HB26 50 077B – St. Patrick’s Parochial House (Grade B2) • HB26 50 077C – St. Patrick’s School (Grade B1) • HB26 50 085A-C – 201-205 Donegall Street (Grade B2) <p>However, having regard to paragraph 6.12 of the SPPS and Policy BH11 of PPS 6, HED considers that the application poses no greater demonstrable harm to the setting of the listed buildings than the previously approved extant planning permission grant at appeal. In fact, HED welcomes the justification for the refined material palette and the vertical fenestration rhythm which is in keeping with the red brick Victorian architecture of Donegall Street area.</p>
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9.21	The proposal represents a design improvement over the previous permission and is considered acceptable having regard to the impact on nearby Listed Buildings. The proposal is considered acceptable having regard to Policy BH11 of PPS6.
	Scale, Massing and Design
9.22	The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The area around the site is characterised by commercial and industrial buildings (both occupied and vacant) with a surface level car park facing the site. It is acknowledged that the character of this area has been subject to change over recent years and as such the scale, height and massing of buildings do vary, with a mix of lower established buildings and higher contemporary buildings, the University complex being the most notable.
9.23	The scale and massing of the building has been established on the site through planning permission LA04/2015/0609/F (subject to two approved non-material changes). The proposed building shares the same form and envelope of the previously approved scheme but represents an opportunity to improve its design.
9.24	Given the proximity to important Listed Buildings and the site's location on a gateway into the city centre it is essential that the design, finishes and overall quality are of a high standard. In this instance, the red bricked finish and white framing in the fenestration draw upon the traditional elements of the built form along Donegall Street and Little Donegall Street. The vertical emphasis and solid to void ratio would result in a building that is not overly imposing, but reflective of traditional mill style buildings, acknowledging the industrial heritage of this area.
9.25	The solid to void ratio within the upper floors deliberately differs from the lower 4 floors through the use of slightly narrower window openings with a contrasting grey brick recess which again enhances the vertical emphasis and gives the building a proportionately scaled 'top/attic' which hints at the hierarchical window treatments and detailing of the Belfast warehouse vernacular. This differentiation of bottom and top has been further emphasised, albeit subtly, by stepping the brick façade out from the bottom four floors. Subtle horizontal breaks have been incorporated as a protruding brick banding between 3 rd and 4 th floors on the Carrick Hill elevation, this steps up between 4 th and 5 th floors on the mid-section of the Little Donegall Street elevation, in line with the stepping up of parapet line. The banding terminates at either side of the protruding stair core. This helps break up the form whilst defining the core as a separate architectural entity on what is an important junction in terms of views on the approach to this part of the city centre.
9.26	The stepping up of the vertical banding also helps define the three distinctive elements of the building on Little Donegall Street and breaks down the plot, avoiding the potential monotony what is an expansive elevation.
9.26	In terms of detailing, subtle brick recesses have been introduced to the expansive vertical gables at the entrance on Donegall Street and on the opposite corner on the stair core at the junction of Carrick Hill and Little Donegall Street. This will help articulate these parts of the building and address the monotony of what are expansive gables.
9.27	In terms of finishes, the mottled red brick with subtle tonal variations will provide a richness and depth to the facades and avoid a uniform engineered brick appearance. The window framing, with accompanying contrasting recesses, and spandrel panels will contrast with the red brick.
9.28	Overall, the design of the proposed building is considered an improvement over the previous scheme granted at appeal. There is no objection in principle from the Council's Urban Design Officer and their detailed comments will be reported to Members in the

	<p>Late items report. The proposal is considered acceptable having regard to design policy in the SPPS and Policy QD1 of PPS 7.</p>
	<p>Waste Water Infrastructure Capacity</p>
9.29	NI Water offers no objections and waste water capacity is considered acceptable.
	<p>Open Space and Amenity Provision</p>
9.30	The proposal has been assessed against Policy QD1 of PPS 7, Policy OS2 of PPS 8 and 'Creating Places' guidance.
9.31	Two enclosed landscaped ground floor courtyards of approximately 700 square metres in total are located internally and defined on each side by the two rear 'legs' of the building. A 'common area' is proposed at ground floor level, measuring approximately 130 square metres. Two cluster rooms are provided at ground floor level, 12 on 1 st floor, 13 on 2 nd to 6 th floors, 12 on 7 th , 11 on 8 th and 2 on 9 th floor. The internal communal space offered by the cluster rooms ranges between 20 sqm for the 4 bed clusters and 30 sqm for the 6 bed clusters (i.e. 5 sqm per room).
9.32	This level of amenity provision is lower than the previously approved scheme and less than the 10sqm per unit requirement in 'Creating Places'. However, given the nature of the use as student accommodation, the large number of cluster rooms and the sites inner city context, this level of provision is acceptable.
	<p>Traffic and Parking</p>
9.33	The proposal includes the provision of 15 on-site car parking spaces compared to the 54 spaces provided in the previously approved scheme. The applicant advises that there is a private lease that requires those 15 spaces to be available to local businesses. These spaces would be available for general use rather than dedicated to the proposed development and as such this parking needs to be considered under Policy AMP10 of PPS 3 (Provision of Public and Private Car Parks). Amongst other criteria, this policy requires such parking to meet a need identified by DfI/BCC and that it is not available to commuters. However, weight must be given to the previous use of the site as a surface level car park. It is considered unreasonable to resist the provision of these 15 spaces in light of what would be a significant reduction of overall parking on the site.
9.34	Notwithstanding, it will be necessary to ensure that there is appropriate provision for on-site parking for disabled users. DfI Roads has advised that a minimum of three disabled parking spaces should be provided and this will be secured by means of condition.
9.35	Other than the three disabled parking spaces, the proposal would not provide any dedicated on-site parking to serve the proposed development. However, this approach of very limited or no direct parking provision is consistent with previously approved PBSMA schemes within the city centre, some a relatively short distance from the site on York Street and off Dunbar Link. As stated previously, the site is highly accessible within walking distance of the new University of Ulster complex, QUB and also the Met building at Titanic Quarter. With the proximity of the new Transport Hub, train stations, bus stops, train halts and cycle stands, there is ample opportunity to avail of alternatives to the private car.
9.36	A Travel Plan accompanies the application and highlights the accessibility of the site and measures to promote alternatives to private car usage. DfI Roads are satisfied with the level of parking given the location of the site and the general principle of the Travel Plan. An updated Travel Plan will be required and this can be secured by condition. On balance, it is considered that the scheme as proposed is acceptable in terms of parking impacts.

9.37	<p>In terms of pedestrian infrastructure, DFI Roads advises that some localised improvements are required, noting that the proposal would result in an additional 104 bedrooms over and above the previous permission. The applicant has stated that this constitutes an increase of around 100 pedestrians over the previously approved application. The applicant advises that there are 11 signal-controlled pedestrian crossing points within 100m of the site entrance. DFI Roads pointed to the potential to increase footpath widths in the vicinity of the site to cater for the additional pedestrian traffic. The applicant has subsequently provided draft details of proposed 'junction improvements' at the Donegall Street and Royal Avenue intersection, an area which falls on the natural city centre desire line for pedestrians exiting the proposed building. DFI Roads are agreeable to this approach, subject to a condition seeking submission and approval of these details. The condition is recommended.</p>
9.38	<p>Overall, having regard to the advice from DFI Roads, and subject to conditions, the transport impacts of the proposed development would be acceptable and the proposal compliant with PPS 3.</p>
9.39	<p>Impact on amenity The proposal has been assessed against the SPPS and Policy QD1 of PPS7. The introduction of a substantial built as proposed will inevitably have an impact on properties lying within the vicinity of the site.</p>
9.40	<p>It is noted that as well as the two internal courtyard amenity areas for use by residents, there would also be an external amenity area along Carrick Hill façade near the main entrance to the development. Environmental Health has stated the use of this particular external amenity area at night has the potential to cause disturbance to nearby existing residents. Therefore, a condition is recommended to prevent the amenity area being used after 23:00hrs. The use of the other central courtyards may be made available for later use and while these are closer to bedrooms within the proposed development it will be the responsibility of the management company to monitor and control potential disturbance to their own future occupants. This will be incorporated into the Section 76 planning agreement.</p>
9.41	<p>Policy QD1 of PPS7 requires that the design and layout of new residential development will not create conflict with adjacent land uses. Arguably the building most affected by the proposal is the four storey residential block situated at the corner of Little Donegall Street and Carrick Hill which lies approximately 13m south at its nearest point. Despite the relative proximity, the building will face onto Little Donegall Street at an angle from the existing residential building. Whilst the level of fenestration along this southern elevation is significant there are no direct facing windows between the two buildings given the angles of view involved and the relative positions of the two buildings to one another. It should also be noted that the amenity area to the rear of these properties comprises a shared yard with bin storage and an under-building car park enclosed by a high brick wall, and thus offers little in terms of conventional private amenity.</p>
9.42	<p>In terms of the housing to the west, although a substantial building, given its position relative to Carrick Hill housing area, being separated by the four lane road, along with the higher land that housing occupies in relation to the site, it would not appear dominant. The existing approval on the site is of an almost identical scale and massing and as such, on balance, there will be no further impact in terms of dominance.</p>
9.43	<p>Given the design and scale of the extant approval and similarities in terms of fenestration and window location, it is felt that for reasons stated above there will be no greater impact on amenity for existing residential properties in the vicinity than the existing permission.</p>

	<p>Impact on Protected Sites</p>
9.44	<p>Following an appropriate assessment screening, Shared Environmental Services advises that the proposal would not have an adverse effect on the integrity of European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the proposal is to be carried out including any mitigation. This conclusion is subject to mitigation measures which will be ensured via condition.</p>
	<p>Contamination</p>
9.45	<p>An Environmental Site Assessment has been submitted by RSK Ireland (RSK) in support of the application. RSK identifies no unacceptable risk to controlled water receptors. DAERA Regulation Unit (RU) Land and Groundwater Team have no objections to the development subject to conditions.</p>
9.46	<p>The proposed development will include two central communal courtyards; these areas are to be formed from a concrete base overlain with sand and artificial grass (as shown on the 'Proposed Site Plan' drawing (drawing no. 100-03)). This will break any pollutant linkages for direct contact, ingestion and inhalation of dusts and fibres.</p>
9.47	<p>Environmental Health notes that there is an additional 'external amenity' area in the north of the site shown on the 'Proposed Ground Floor Plan' drawing (drawing no. 200-01) that is not shown on the Proposed Site Plan drawing contained within submitted Site Assessment. In order to ensure that this external amenity area does not introduce any direct contact, ingestion or inhalation of dust and fibre pathways to the development, Environmental Health has suggested a condition which requires that a Verification Report be submitted to demonstrate hardstanding or equivalent across the site.</p>
	<p>Impact on Air Quality</p>
9.48	<p>Environmental Health reviewed the RSK report titled " Air Quality Assessment, Northside Site 3 Donegall Street, Belfast" dated 24th November 2015 and concluded that there were no concerns regarding the air quality impacts of the development proposal (EH response dated 16th December 2015).</p>
9.49	<p>However, as details of the proposed heating systems are not confirmed, Environmental Health Department has advised that any combustion plant where the single or combined NOx emission rate is more than 5mg/sec could give rise to impacts. Consequently, a condition is attached requiring the submission of an Air Quality Impact Assessment is submitted for approval prior to the installation of any centralised combustion sources.</p>
	<p>Noise</p>
9.50	<p>Having reviewed information from the applicant's consultant, Environmental Health acknowledges that the expected noise from road traffic at the development site would not be expected to have significantly changed since the noise measurements conducted in 2015 for the previous application. Furthermore, given that the proposed layout of the development is similar it is accepted that reference to the earlier recommended condition should still be considered relevant to the proposal.</p>
9.51	<p>Environmental Health has suggested an amendment to the wording of the conditions imposed on the extant approval. As an alternative to requiring verification measurements, a condition is recommended to require the Council's prior approval of the details of the proposed windows serving habitable rooms. This will ensure that the recommendations of the acoustics report have been adequately understood in terms of the façade insulation required.</p>

	Drainage and Flooding
9.52	The applicant has provided adequate drainage drawings and calculations to support their proposals. Furthermore, the applicant has received Schedule 6 Consent from DfI Rivers local area office (7th June 2021) to discharge 4.2 l/s of storm water runoff from the proposed site to the designated Farset River (UBEL2).
9.53	DfI Rivers offers no objection to the proposal.
	Developer Contributions and Public Realm Provision
9.54	In this case it is considered that developer contributions should take the form of public realm improvements to the streetscape within the locality of the site.
9.55	The red line on the site location map extends beyond the footprint of the proposed building and incorporates the footpaths around the building. Public realm works within the red line will be secured via condition, as detailed below.
	Pre-application Community Consultation
9.56	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.57	Section 27 also requires that a prospective applicant, prior to submitting a major applications 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 (LA04/201) was submitted to the Council on 10 th August 2020.
9.58	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.59	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.60	An open air exhibition and drop-in event was held at the site on 4 th September 2020.
9.61	Events were advertised in the Belfast Telegraph on 27 th August 2020.
9.62	On the week commencing the 18th January 2021, approximately 250 packs containing information leaflets (Appendix 3), comment cards and self-addressed envelopes were distributed to residents and businesses within a 90m radius of the centre of the proposed development site (Neighbour Notification).
9.63	All relevant elected representatives including local DEA councillors, the five North Belfast MLAs and the North Belfast MP for the constituency were invited to view the proposed plans at the consultation digital 'Microsite'. Elected representatives were contacted on 20th January 2021, coinciding with the delivery of the leaflets to the neighbourhood, and launch of the website.
9.64	During the course of the consultation there were 207 unique visits to the website for a period of time greater than 30 seconds. There were two comments left via the digital comment card and one comment supplied on a leaflet comment card returned in the post. Two positives were positive and one negative, with a concern raised about the number of students.

9.65	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0 10.1 10.2	<p>Recommendation:</p> <p>Having regard to the statutory development plan, the draft development plan, relevant planning policies, the site's planning history and consideration of the issues set out in this report, the proposed development is considered acceptable</p> <p>It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to approve the application subject to conditions and to finalise their wording, and enter into the Section 76 planning agreement subject to no new substantive planning issues being raised and to resolve any issues arising from any outstanding consultation responses.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p style="margin-left: 40px;">Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> 2. 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 No. 100-03 have been submitted to and approved in writing by the Planning Authority. The details shall include: <ol style="list-style-type: none"> 1. Surface materials; and 2. The design and provision of underground ducting. <p style="margin-left: 40px;">The development shall not be occupied unless the public realm improvements have been carried out in accordance with the approved details.</p> <p style="margin-left: 40px;">Reason: In the interests of the character and appearance of the Conservation Area, the setting of the Listed Building, and to enhance connectivity to and from the development.</p> 3. No works shall commence on the approved building until materials samples of the walls, roofs and glazing system have been submitted to and agreed in writing with the Council. The development shall not be carried out unless in accordance with the approved details. Samples shall be retained on site until completion of the works. <p style="margin-left: 40px;">Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.</p> 4. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination and risk shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be submitted and approved in writing the

Council before any works recommence. Development shall not thereafter proceed unless in accordance with the updated remediation strategy.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. No development or piling work shall commence on this site until a piling risk assessment has been submitted to and approved in writing by the Council. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at:
<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environmentagency.gov.uk/scho0501bitt-e-e.pdf>

No piling shall take place unless in accordance with the details so approved.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing any remediation works required under Condition 4 and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. Prior to the occupation, a Verification Report shall be submitted to and approved in writing by the Council. This Verification Report must demonstrate that the final site layout has building, hardstanding or equivalent across the site in order to ensure that no direct contact, ingestion or inhalation of dust of fibre pathways are present on the developed site.

Reason: Protection of Human Health.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council prior to any works recommencing. Works shall not thereafter proceed unless in accordance with the approved details. There shall be no occupation of the development until a Verification Report has been submitted and approved in writing by the Council. This shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

9. Prior to installation, an Air Quality Impact Assessment for where any centralised combustion sources (boilers/CHP, biomass) resulting in a single or combined NOx emission rate of more than 5mg/sec are proposed as part of this development, shall be submitted to and approved in writing by the Council. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must sufficiently demonstrate that there will be no unacceptable ambient air quality impacts on human health receptors. The equipment shall not be installed unless in accordance with the approved details.

Reason for condition: protection against adverse air quality.

10. Prior to installation, an Air Quality Impact Assessment for where any centralised combustion sources (boilers/CHP, biomass), resulting in a single or combined NOx emission rate of more than 5mg/sec are proposed as part of this development, shall be submitted to and approved in writing by the Council. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must sufficiently demonstrate that there will be no unacceptable ambient air quality impacts on human health receptors. The equipment shall not be installed unless in accordance with the approved details.

Reason: protection against adverse air quality.

11. Prior to installation, a window schedule detailing the glazing configuration and sound reduction performance of windows to habitable rooms on all facades of the development shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in accordance with recommendations in the Peter Lloyd and Associates Report dated February 2016 for achieving suitable internal noise levels in a habitable room. The development shall not be carried out unless in accordance with the approved details and shall be retained as such.

Reason: Protection against adverse noise impact.

12. Prior to installation, the specification of alternative means of ventilation to habitable rooms shall be submitted to and approved in writing by the Council. The specification shall be capable of providing at least the equivalent sound reduction of the window. The ventilation shall be installed in accordance with the approved details.

Reason: Protection against adverse noise impact.

13. The rating level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed the existing representative daytime and night-time background noise level (dBLA90) as presented in the Peter Lloyd & Associate acoustic report dated February 2016 at the nearest noise sensitive premises, when measured or determined in respectively accordance with BS4142:2014+A1:2019 '*Methods for rating and assessing industrial and commercial sound*'.

Reason: Protection against adverse noise impact.

14. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall examine all stages of construction and identify methods to be employed to minimise adverse impact associated with noise, vibration and demonstrating the use of 'best Practicable means'. The plan must pay due regard to BS 5228:2009+A1:2014 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. The CEMP should identify nearby sensitive premises likely to be impacted and identify also include arrangements for communicating and liaising with occupants of those premises. The approved Construction Environmental Management Plan shall be implemented throughout the entire construction phase.

Reason: Protection of the amenity of nearby premises

15. Access to the external amenity area at ground floor Carrick Hill façade shall not be permitted outside 0700 to 2300 hours.

Reason: Protection of residential amenity.

16. Commercial deliveries to and collections from the hereby approved development shall not be permitted outside 0700 to 2300 hours.

Reason: Protection of residential amenity.

17. Prior to the operation of the building hereby approved, a detailed design of junction improvements (in general conformity with Drawing No. 21-002_SK001) at the junction of Royal Avenue, York Street and Donegall Street shall be to be submitted to the Council for approval and completed in accordance with the approved details. The building shall not be occupied until the approved junction improvements have been implemented in full.

Reason: In the interests of vehicular and pedestrian safety.

18. Prior to occupation of the building, a minimum of three disabled parking spaces shall be provided in accordance with details including an access and parking layout which shall have first been submitted to and approved in writing by the Council. The disabled spaces, access and parking layout shall be retained in accordance with the approved details at all times.

Reason: To ensure appropriate parking provision for disabled users.

19. None of the external doors hereby approved will open out onto the public footpath.

Reason: In the interests of pedestrian safety.

20. No development shall commence until a drawing showing the visibility splays and landing area at the main vehicular access (in general conformity with drawing No. 100-03) has been submitted to and approved in writing by the Council. The visibility splays and landing area shall be provided in accordance with the approved details prior to occupation and shall be maintained as such at all times.

Reason: In the interests of vehicular and pedestrian safety.

	<p>21. Notwithstanding the submitted details, no development shall commence until an updated Travel Plan has been submitted to and approved in writing by the Council. The Travel Plan shall include both soft and hard measures to promote more sustainable modes of transport to and from the development and reduce private car usage. The Travel Plan shall also include targets to meet these objectives and a mechanism for review. The development shall not operate unless in accordance with the approved Travel Plan.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. This planning permission is subject to a Section 76 planning agreement to secure the implementation of a student accommodation management plan. 2. Any cranes etc. which are to be used in the construction require the contractor to complete a BCA Crane Permit application form (BCA/F/020 – available from safeguarding@bca.aero) a minimum of 6 weeks prior to commencement of works to allow time for assessment & notification to pilots, etc. Depending on the height of crane, an IFP (Instrument Flight Procedures) assessment may be required (at a cost to the crane operator / developer) and can take up to 3 months to process.
12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	24th February 2021
Date First Advertised	19th March 2021
Date Last Advertised	19 th March 2021
Details of Neighbour Notification (all addresses)	
120 Donegall Street,Belfast,Antrim,BT1 2GX	
122 Donegall Street,Belfast,Antrim,BT1 2GX	
126 Donegall Street,Belfast,Antrim,BT1 2GY	
128 Donegall Street, Belfast ,Antrim,BT1 2GY	
13 Stephen Street,Belfast,Antrim,BT1 2JE	
130 Donegall Street,Belfast,Antrim,BT1 2GY	
132 Donegall Street,Belfast,Antrim,BT1 2GY	
134 Donegall Street, Belfast,Antrim,BT1 2GY	
136 Donegall Street,Belfast,Antrim,BT1 2GY	
15 Stephen Street ,Belfast,Antrim,BT1 2JE	

199 Donegall Street,Belfast,Antrim,BT1 2FL
 201 Donegall Street, Belfast,Antrim,BT1 2FL
 203 Donegall Street,Belfast,Antrim,BT1 2FL
 205 Donegall Street, Belfast,Antrim,BT1 2FL
 51 Carrick Hill, Belfast, Antrim,BT1 2JH
 53 Little Donegall Street,Belfast,Antrim,BT1 2JD
 57 Carrick Hill,Belfast,Antrim,BT1 2JH
 63 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment A, 61 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment A, 65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment A,59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment B ,61 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment B, 59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment B,65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment C, 59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment C, 65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment D, 59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment D,65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment E, 59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment E,65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment F, 65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment F,59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment G,59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment G,65 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment H,59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Apartment I, 59 Carrick Hill,Belfast,Antrim,BT1 2JH
 Belfast Telegraph Ltd, Stephen Street,Belfast,Antrim,BT1 2JE
 Flat 1, John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 2, John Blacking House ,Lower Regent Street, Belfast, Antrim,BT13 1AL
 Flat 3, John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 4,John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 5, John Blacking House, Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 6, John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 7,John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 8, John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 Flat 9, John Blacking House,Lower Regent Street,Belfast,Antrim,BT13 1AL
 St Patrick'S Church, Donegall Street,Belfast,Antrim,BT1 2FL
 The Marshall Building, 124 Donegall Street,Belfast,Antrim,BT1 2GY

Date of Last Neighbour Notification	31st March 2021
Date of EIA Determination	N/A – site area <0.5 Ha
ES Requested	No
Drawing Numbers and Title	

Notification to Department (if relevant) – Yes, objection from statutory consultee (DFI Roads)

Date of Notification to Department:

Response of Department: