Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2023/A0081
Appeal by:	Artemis Developments Ltd
Appeal against:	The non-determination of an application for full planning permission
Proposal:	Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation (PBMSA) scheme comprising 354 no. units with shared amenity spaces, ancillary accommodation, on-street car parking and landscaping
Location:	Site bounded by Glenalpin Street, Wellwood Street and Norwood Street, Belfast
Planning Authority:	Belfast City Council
Application Reference:	LA04/2023/2922/F
Procedure:	Hearing on 6 June 2024
Decision by:	Commissioner B Stevenson, dated 30 May 2025

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the appeal proposal would:
   - be acceptable in principle;
   - have appropriate management in place; and
   - unduly affect or cause demonstrable harm to the amenity of neighbouring residents.

The Appeal Site and the Proposal

3. The relatively flat elongated appeal site is located west of Great Victoria Street. It is a surface level car park and is bounded on all four sides by streets. To the north is Wellwood Street that provides access to Sandy Row and Great Victoria Street. Norwood Street and Glenalpin Street branch off Wellwood Street to create a loop around the appeal site. Norwood Street is to the east and Glenalpin Street is to the west. No other streets connect to those two streets. Traditional low-rise two storey terraced housing lies to the south and west. That housing is accessed from Sandy Row. Facing onto Norwood Street and south of the appeal site are the backs of terraced housing, enclosed by a high concrete wall. That housing fronts onto St Georges Gardens.

4. Immediately west of the appeal site is an apartment complex known as 'Victoria Place' that faces onto Glenalpin Street and abuts Charles Street South. That apartment complex mainly comprises two opposing blocks with green amenity space in between. The block opposite the appeal site is twelve storeys at one end and five storeys at the other end, closest to the traditional low-rise two storey terraced housing at St Georges Gardens. There are buildings between Norwood Street and Great Victoria Street. One of those buildings is an apartment block, No. 97 Great Victoria Street. The buildings adjacent to No. 97 on this stretch of Great Victoria Street are primarily in office use. Facing towards the appeal site from Norwood Street, those buildings are four or nine storeys high. North of the appeal site is a vacant surface level car park on Hope Street. Beyond it, is the Holiday Inn hotel and the new Grand Central Station Transport Hub.

5. Full planning permission is being sought for purpose-built managed student accommodation (PBMSA) comprising a total of 354 No. units with shared amenity spaces, ancillary accommodation, on-street car parking and landscaping. The proposed building would range in height from five to eleven storeys. It would have a maximum height of eleven storeys plus the rooftop plant, facing onto Wellwood Street. This would drop to five storeys before rising to eight storeys and dropping again to five storeys to the other end of the site, backing onto the rear of the dwellings at St. Georges Gardens. Open social spaces including study zones would be located on the ground floor of the proposed building. The majority of the remaining floors would accommodate a combination of single bed studios with kitchenettes, and clustered apartments with single ensuite bedrooms and a shared kitchen, living and dining spaces. Two main external communal amenity spaces of hard and soft landscaping are proposed. One would be on the ground floor, and the other would be on the fifth floor.

Planning History

6. The Council granted outline planning permission (LA04/2019/0127/O) on the appeal site on 27 October 2020 for the erection of purpose built, build to rent residential units, with shared amenity space, ancillary/support accommodation, car parking and landscaping. Condition No. 5 of that outline permission restricts the shoulder height of the building to be no higher than the indicative levels shown on a certain stamped approved drawing No. 10A dated 22 May 2019. It indicates that the building was approved with eleven storeys at the highest end. A subsequent Reserved Matters application (LA04/2023/3635/RM) for the erection of a residential development comprising 205 no. units was submitted to the Council. That Reserved Matters application is an application seeking approval of the details pursuant to the outline planning permission. The appellant consider that the principle of residential development including the general scale and massing of a building on the appeal site is established through the outline planning permission (LA04/2019/0127/O).

7. At the time of the hearing, no decision had yet been made on the Reserved Matters. However, there was no dispute between the parties at the appeal hearing that a decision to approve the Reserved Matters application was imminent given that the Planning Committee had voted to approve it. The Reserved Matters application aligns with the outline permission in that the proposed building would be eleven storeys at the highest end. The scale and massing of the appeal proposal is generally the same as the conceptual elevations approved under the outline permission. The shoulder heights of the proposed building align with that agreed under the outline permission.

Policy Context

8. Section 45(1) of the Planning Act (Northern Ireland) 2011 ("the Act") requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Council adopted its Belfast Local Development Plan: Plan Strategy 2035 (PS) on 2nd May 2023. In accordance with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together.

9. In this appeal, the Belfast Urban Area Plan 2001 (BUAP) and the Houses in Multiple Occupation (HMO) Subject Plan for Belfast City Council Area 2015 ("HMO Subject Plan") are both DDPs. The BUAP and HMO Subject Plan are read together with the PS. In the BUAP, the appeal site is on unzoned land within the city centre. No policies are in the BUAP that are material to the appeal proposal.

10. Paragraph 3.2.12 of the HMO Subject Plan states that relevant policy designations from the HMOs Subject Plan will continue to form the basis of decision-making until the LDP is adopted in its entirety. The HMO Subject Plan identifies 'nodes' where HMO development will be permitted. Policy HMO3 is entitled 'HMO Development Nodes'. It states that along the frontages of designated HMO Development Nodes, planning permission for HMOs will be granted, providing it does not include HMO development at ground floor level within a designated commercial node or shopping area. To the east of the appeal site along Great Victoria Street, there is a designated HMO Development Node (HMO4/14 Dublin Road/Great Victoria Street).

11. Policy HMO7 of the HMO Subject Plan is entitled 'Large scale purpose built student accommodation'. It states that planning permission will only be granted for large scale purpose built student accommodation where certain criteria are met. One of those criteria is that the development is not located within a primarily residential area. None of the parties expressed any concern under this policy or any other policy in the HMO Subject Plan. In any case, any decision must be resolved in favour of the PS that I will come onto.

12. In May 2017, the Court of Appeal declared the adoption of the 2014 version of Belfast Metropolitan Area Plan 2015 (BMAP) unlawful. Its provisions cannot therefore be relied on. Whilst the 2004 version of Draft BMAP (dBMAP) is not a DDP as it was never adopted, it is still a potential material consideration in certain cases. In dBMAP, the appeal site is on unzoned land and is within the city centre. It is also within the proposed Shaftesbury Square Character Area and a proposed Area of Parking Restraint. dBMAP sets out criteria for new development in the Shaftesbury Square Character Area. The site is identified as a development opportunity site (CC013) and lies outside a proposed Protected City Centre Housing Area. The nearest Protected City Centre Housing Areas are west and south of the appeal site at Sandy Row (CC097/07) and St. George's Gardens (CC097/08). Whilst the third parties wished to see social/affordable housing on the appeal site, the site is not zoned for social/affordable housing in dBMAP or the BUAP. There is also no policy requirement for social/affordable housing to be provided as part of PBMSA

developments in either the BUAP or dBMAP. The appeal proposal therefore does not conflict with the BUAP or dBMAP in regard to not proposing social/affordable housing.

13. The provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) are material to all decisions on individual planning applications and appeals. In accordance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS), existing policy retained under the transitional arrangements shall cease to have effect as the Council has adopted its PS. Paragraph 3.8 of the SPPS states that in determining planning applications, sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Other material considerations are set out in the Council's planning guidance documents, which will be addressed later in this decision.

14. One of the policy aims of the PS is to facilitate city centre living to grow the residential population of the city centre, through the adaption and re-use of vacant and under-utilised land and buildings, particularly as part of mixed use developments. Another aim is to secure higher density development whilst protecting the quality of the urban environment and established residential environments. Also, the PS aims to secure mixed tenure housing developments and ensure an appropriate supply of housing to provide for those with specialist housing need including amongst other things PBMSA.

15. Paragraph 6.2.5 of the PS considers that the residential population of the city centre is low. It goes on to say that "this will change significantly over the plan period, with the re-location of Ulster University into the north of the city centre and growth in purpose built student accommodation already leading to improved vitality and liveability. It will also be important to facilitate a sustainable mix of people living in the city centre, including families, elderly people, young professionals etc. It is important that the design of all new residential development is given appropriate focus and strengthened to create a high quality, city living environment. Residential development in the city centre will generally be high density."

16. Policy HOU12 of the PS is entitled 'Large Scale Purpose Built Managed Student Accommodation (PBMSA)'. It states that planning permission will be granted for large scale PBMSA where certain criteria are met. Again, none of those criteria require that social/affordable housing be provided as part of PBMSA developments. The Council argue that the appeal proposal does not comply with criterion (a) only of Policy HOU12. It requires that the proposal is easily accessible to higher education institution campuses by sustainable transport modes and is not within an ERA. This criterion also cross-references to Appendix B. There is dispute between the parties as to whether the appeal proposal would be located within an ERA.

Principle of Development: ERA

17. The Council contend that the appeal site is located within an ERA. This view is supported by the Council's Development Planning and Policy Unit. In their consultation response, they state that "although the site itself is separated from the area to the west by a large apartment development between Glenalpin Street and Charles Street South, this is still a significant residential development that helps

provide a transition between the smaller scale residential housing to the west and the larger, more commercial scale development fronting onto Great Victoria Street. Across Norwood Street to the east, a second significant apartment development at 97 Great Victoria Street fronts onto the site, ensuring that the predominant residential character spans the site." However, the appellant considers that the ERA comprises only that as defined in dBMAP as the Protected City Centre Housing Areas, south and west of the appeal site (CC097/07 and CC097/08). The appellant relies on the Council's consideration of the character of the site and its surrounding context set out in their assessment of the outline planning permission (LA04/2019/0127/O) and the Council's supplementary planning guidelines.

18. In the Council's Planning Committee Report (PCR) for the outline planning permission (LA04/2019/0127/O), the Council consider that "the area displays something of a mix, between the two storey domestic scale of the terraced dwellings off Sandy Row to the south and the high rise apartment and mixed use schemes to either side of the site. Indeed, the site is sandwiched between a twelve storey building to the west and a nine storey building to the east." The Council also accepted in the outline permission that "the site lies within a part of the city centre that is poorly defined in terms of land use and built form." The appeal site and its surrounding context have not changed since the Council's assessment of the outline permission.

19. The PS states under the sub-heading 'Supplementary Planning Guidance' (SPG) that in many cases, it may be necessary for the Council to prepare SPG to support, clarify and/or illustrate by example, policies included within the LDP. It goes on to say that the SPG currently envisaged to support this PS are set out in Appendix E. Appendix E indicates that for PBMSA and the relevant policy HOU12, the proposed action is to revise the currently adopted SPG so that it is in line with the new LDP. The PS has been adopted for over two years and I am not aware of any new SPG for PBMSA having been adopted, nor has a draft revised SPG been presented. I therefore can only consider the Council's guidance that has been referred to in this appeal.

20. Since 2015 and prior to the adoption of the PS, the Council produced several guidance documents on PBMSA. In November 2015, the Council produced a Planning and Place Advice Note (PPAN) for PBMSA. Paragraph 5.2(2) of that PPAN states that PBMSA are likely to have some similar locational requirements to HMOs and as such may be acceptable in similar locations (e.g. HMO Development Nodes) subject to other wider planning and environmental considerations. The PPAN also recognises that there are a number of ERAs within the City Centre designated as Protected City Centre Housing Areas and that such areas are likely to be impacted by the provision of PBMSA in close proximity, particularly where concentrations may occur.

21. In January 2016, the Council published a Best Practice Guide for PBMSA in Belfast. That guide states that careful consideration needs to be given to the impact of PBMSA if a site is located close to a Protected City Centre Housing Area. In the same year, the Council published SPG for PBMSA. That SPG refers to the HMOs Subject Plan designating a number of locations with suitable frontages for HMO development. Paragraph 5.9 of the SPG states that "such locations are designated specifically because they are able to accommodate higher density residential developments with a lower impact on traditional residential areas and are located where development can contribute to regeneration. Whilst PBMSA is distinguishable

from the common view of an HMO, they may have similar locational requirements and as such may be acceptable in similar locations."

22. Furthermore, the SPG states that "within the City Centre there are a number of ERAs designated as Protected City Centre Housing Areas (BMAP). Whilst PBMSA could be considered a form of residential development, the scale and impact of PBMSA is likely to be incompatible with existing residential communities. Such areas are also likely to be impacted by the provision of PBMSA in close proximity, particularly when concentrations may occur."

23. The Council's guidance therefore repeatedly refers to Protected City Centre Housing Areas as defining ERAs and alludes to proposing PBMSA close to those areas as potentially being inappropriate. However, the guidance does not preclude them from those areas. The Council's guidance also directs developers to locate PBMSA in similar locations to HMO Development Nodes. As indicated earlier in this decision, to the west and south of the appeal site are Protected City Centre Housing Areas and abutting the appeal site to the east is a designated HMO Development Node (HMO4/14 Dublin Road/Great Victoria Street) on Great Victoria Street. Whilst the Council accepts in the SPGs that Protected City Centre Housing Areas are ERAs, I must consider the ERA definition in the PS.

24. Appendix B of the PS defines an ERA as "normally taken to mean residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served." It goes on to say that "within Belfast City, ERAs often display a clear spatial structure. Building forms, plot sizes and shapes are sometimes similar with a well-defined pattern of local development. Properties may exhibit comparable design styles including common architectural detailing and treatments, and areas of both public and private amenity space can share an identifiable character. The overall spatial structure is often delineated by a clear network of streets and roads. However, it is recognised that there are also settled housing areas where there is a greater range and mix of dwelling styles and where the overall pattern of development is less uniform. These areas too have an established residential character worthy of protection against redevelopment or infill at a significantly higher density than that found in the locality."

25. Notwithstanding that the ERA definition recognises that there are settled housing areas in Belfast City with a greater range and mix of dwelling styles where the overall pattern of development is less uniform, an ERA tends to be dominated by a recognisable form of housing styles that may exhibit comparable design styles and sometimes have similar building forms, plot sizes and shapes with a well-defined pattern of local development.

26. The Council indicate that there are plans for the undeveloped land to the immediate north on Hope Street to be brought forward for social housing. Whilst the Council state that early public consultation has taken place, from the evidence presented, I am not aware of any planning permission having been granted or any planning application having been made for such a development. Accordingly, limited weight can be given to any such proposal.

27. The proposed Protected City Centre Housing Areas at Sandy Row and St. Georges Gardens are residential, secondary streets that branch off the Sandy Row street.

The retail shops and community buildings on Sandy Row mainly serve its local community that reside in those side streets. Those streets mostly comprise compact traditional two storey terraced housing in red/brown brick with comparable design styles and similar private rear yards. They also include more recent red/brown bricked terraced housing off Roland Way and Blythe Street. In accordance with the Council's SPG, the identified Protected City Centre Housing Areas are ERAs and fall within the above PS definition. The commercial units along Sandy Row are of a scale proportionate to the traditional two storey terraced housing in the Protected City Centre Housing Areas that they serve.

28. Victoria Place, the apartment block west of the appeal site is a more recent development and is of a modern design. Its overall scale, shape, design and plot size is unrelated to the traditional terraced housing in Sandy Row and St. Georges Gardens. Also, it is of a larger form, scale and plot size to those buildings on Great Victoria Street due to its overall length and shape. Whilst Victoria Place is adjacent to Sandy Row, it is not a recognisable form of housing style to Sandy Row or St. Georges Gardens due to the overall scale of the apartment development, nor is its design comparable. Furthermore, the development has no direct access onto Sandy Row, having to travel along Wellwood Street to reach that area.

29. Great Victoria Street is a wide road, primarily used by commuter traffic travelling in and out of the city centre. Wellwood Street and Donegall Road connect onto Great Victoria Street and the Sandy Row street. That stretch of Great Victoria Street mainly comprises offices with some shop frontages on the ground floor. Most of the retail units are vacant on this part of Great Victoria Street. The buildings immediately east of the appeal site including the apartment block at No. 97 Great Victoria Street front onto that street due to their main entrances and shop frontages being located on it.

30. Given that those buildings front onto Great Victoria Street, their uses and the lack of permeability between Sandy Row and Great Victoria Street, I do not consider that the buildings on Great Victoria Street serve the identified Protected City Centre Housing Areas in Sandy Row and St. Georges Gardens. Furthermore, their building forms, plot sizes and street widths are much larger proportions to those replicated in the Protected City Centre Housing Areas. Therefore, those buildings are not similar in scale to the neighbourhood of Sandy Row and St. Georges Gardens. For those reasons, the buildings on Great Victoria Street are not comparable to the design styles of the Protected City Centre Housing Areas and the commercial street of Sandy Row. They do not share an identifiable character with those areas.

31. The apartment block at No. 97 Great Victoria Street and Victoria Place are separated from each other by the appeal site and two streets, Norwood Street and Glenalpin Street. Whilst the apartments at No. 97 have balconies facing towards the appeal site, as mentioned earlier, No. 97 fronts onto Great Victoria Street and its services are accessed from the rear of the building along Norwood Street. To my mind, No. 97 relates to Great Victoria Street and on that part of the road, the predominant use is office space. Accordingly, those buildings east of the appeal site including No. 97 are not part of an ERA.

32. Given the separation distance between Victoria Place and No. 97 and the lack of shared spatial structure between those two blocks, I am not persuaded that both blocks together create a single established residential area encompassing the appeal site, which itself is a car park. Also, the immediate land to the north has no buildings

on it and there is no live planning permission for residential use on those lands. Furthermore, the traditional terraced housing to the south have their backs towards the appeal site and Victoria Place.

33. Notwithstanding that there are ERAs to the south and west at Sandy Row and St. Georges Gardens, there is no ERA to the east or to the north. In fact, the appeal site is located within a less strongly defined area. Also, the street widths, building footprints and size differ to the identified ERAs. For all those reasons, in my judgment the proposed PBMSA would not be in an ERA as per the definition in the PS and in accordance with the Council's own existing planning guidelines. Accordingly, the appeal proposal would not offend criterion (a) of Policy HOU12 of the PS.

Principle of Development: Compatibility with Adjacent Land Uses

34. Policy RD1 of the PS is entitled 'New residential developments'. It states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets certain criteria. It is undisputed in this appeal that this policy applies to PBMSA. The Council contend that the appeal proposal offends criterion (a) only. Criterion (a) requires that the proposed development will not create conflict with adjacent land uses, remaining in conformity with the character of any ERAs.

35. The Council consider that the proposed PBMSA would be an incompatible form of development with adjacent land uses and that it would not be complementary to surrounding residential uses. They argue that the appeal proposal would place undue pressure on housing and local amenities and that the students residing in the development would have a significant harmful impact on the character and amenities of the area. Furthermore, the Council contend that the development would increase the likelihood of noise and disturbance. Also, the third parties consider that the scale and massing of the proposed development would be out of keeping with the area.

36. Neither Policy RD1(a) nor Policy HOU12(a) of the PS explicitly refer to pressures on housing or amenities. Furthermore, neither of those policies require that the appeal proposal complements surrounding residential uses. Paragraph 7.1.77 of the PS states that the Council recognise that students studying and living within the city make a significant contribution to the local and regional economy and that the continued growth in the number of students in third level education, the re-location of the Ulster University to the north of the city centre and growth in the international student market all present significant opportunities for the city. It goes on to say that "however, the rapid expansion of student numbers over the last two decades has also led to a range of negative side effects or 'externalities' to the presence of a large student population in particular in relation to pressures on housing, local amenities and other environmental impacts. Taking the learning from experiences of areas such as the Holylands, student housing provision needs to be well planned and appropriately managed to ensure that there is a more positive integration with any existing communities."

37. Notwithstanding the Council's concern that the roof terrace on the proposed building would increase the likelihood of noise and disturbance, the Council did not expand on what undue pressure they consider there would be on housing or how the proposal would be incompatible on local amenities, or identify which amenity or service that they consider the appeal proposal would be in conflict with. No persuasive evidence

was presented that substantiated their claim in this regard. In any event, at the hearing, the Council's witness said that there was no evidence of harm. Furthermore, I consider it appropriate to place significant weight on the outline permission and the Reserved Matters application that are for a high density residential apartment development on the appeal site. The scale and massing of the appeal building would be generally consistent with that previously granted outline permission.

38. The outline permission has no restriction on either the tenure or occupancy and the build to rent residential units are self-contained. That outline permission and subsequent Reserved Matters application could accommodate up to 205 students if they live in any of the self-contained single bedroom apartment units or with their family in any larger self-contained apartments. This scenario would be with no management plan in place. In contrast, the appeal proposal entails 354 students in managed accommodation, a specifically designed and regulated environment. Furthermore, it is notable that Policy HOU12 requires that PBMSA developments have a minimum of 200 occupants. Paragraph 7.1.80 of the amplification text indicates that this reflects the fact that full time management arrangements may not be economic for complexes of less than 200 students.

39. In line with the requirement of Policy HOU12 of the PS, the appellant had submitted to the Council an outline Student Management Plan (SMP) with the planning application. The management plan sets out the management strategy to be adopted by the future operator and the key principles that will be followed in managing the proposed building. It requires that an accredited student management company is in place for occupation, or to become accredited within one year of occupation of the development. Paragraph 3.27 of the outline management plan indicates that the development will operate a policy of zero tolerance in respect of noise. In relation to the external amenity spaces, the management plan states that "the use of those areas will be restricted between 8am-11pm. The areas will be covered by CCTV with a 24-hour view from the main staffed reception desk. The site team will check the area after 8pm with hourly patrols. The resident tenancy agreement also prohibits any excessive noise between the hours or 11pm-8am."

40. The appellant also submitted a Noise Impact Assessment (NIA) to the Council. The NIA highlights that the noise environment is dominated by traffic noise to the front of the proposed property. The NIA predicted noise level at the external amenity area on the fifth floor would be 54.5dB L_{Aeq} during daytime hours. This is below the upper guideline limit of 55dB L_{Aeq}. The appellant's acoustic consultant indicates that "the proposed development is located in the centre of Belfast, with a range of amenities within walking distance. Therefore, the location would be considered desirable and subject to the upper fixed limit of 55dB L_{Aeq}." Having reviewed the appellant's NIA and their clarification letter, the Council's Environmental Health Department (EHD) had no objections, subject to the inclusion of certain conditions.

41. As set out earlier in this decision, the appeal site is located in close proximity (< 50 metres) to an HMO node - HMO4/14 Dublin Road/Great Victoria Street and the Council's own guidance directs PBMSA developments to be located there. Paragraph 7.1.74 of the amplification text of Policy HOU11 of the PS states that in advance of designating intensive housing nodes within the local policies plan, Policy HOU11 will be applied to the existing HMO nodes outlined in the HMO Subject Plan. Policy HOU11 relates to intensive housing nodes. Also, Appendix A of the PS

indicates that HMO Nodes in the HMO Subject Plan remain in place until the Council identify in the local policies plan intensive housing nodes for Policy HOU11 of the PS. Furthermore, the Council granted planning permission for two other PBMSA developments within approximately 200m of the appeal site (LA04/2023/3030/F and LA04/2023/4373/F) and no reference was made to those developments placing pressure on existing housing and local amenities.

42. For all the above reasons and in the evidential context, I am not persuaded that the proposed PBMSA would create conflict with adjacent land uses or that it would not be in conformity with the character of any ERA. Accordingly, the appeal proposal would not offend Policy RD1(a) of the PS. The Council's first draft reason for refusal and the third parties related concerns are therefore not sustained.

Management of Student Behaviour

43. The Council contend that the proposed development offends Policy HOU12 of the PS and the Council's Developer Contributions Framework 2020 in that a Section 76 Planning Agreement is not in place to secure the provision of a SMP and a Construction Employability and Skills Plan (CESP). The Council argue that without a completed Section 76 Planning Agreement, the necessary management plan required to fulfil criterion (d) of Policy HOU12 cannot be satisfactorily secured.

44. Criterion (d) of Policy HOU12 of the PS requires that 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. The policy also states that Section 76 Planning Agreements are likely to be required in relation to PBMSA to provide a greater level of certainty in relation to management arrangements. Paragraph 7.1.80 of the PS states that a management plan will be required to ensure a quality, safe and attractive place for residents. Accompanying the outline SMP, the appellant provided the Council with a draft Section 76 Agreement. The draft Section 76 Agreement includes an obligation that a final management plan must be agreed prior to occupation. The appellant stated that no final Section 76 Agreement could be produced without the comments from the Council.

45. Paragraph 5.67 of the SPPS states that a planning agreement *may* be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions (my emphasis) and I note from the wording of Policy HOU12 that it states that planning agreements are *likely* (again, my emphasis) to be required, but the policy does not mandate them. I have been given no persuasive evidence as to why a condition requiring that a final SMP be submitted to and agreed with the Planning Authority prior to the commencement of the development would not secure this objective and provide a suitable level of certainty in relation to management arrangements. Accordingly, I find that the inclusion of such a suitably worded condition would ensure that criterion (d) of Policy HOU12 is met.

46. Paragraph 9.14 of the Council's Developers Contributions Framework states that the Council will consider the use of developer contributions to support employability and skills for all proposals for major development where there is a skills shortage; and/or for proposals that would result in the loss of employment land. There is a distinction in the SPPS between developer contributions and community benefits in that the latter may be voluntarily offered by developers to communities likely to be affected by a development. The appellant did not offer up supporting employability and skills.

With respect to developer contributions, paragraph 5.69 of the SPPS says that planning authorities can require developers to bear the costs of work required to facilitate their development proposals. To my mind, supporting employability and skills would not in itself be necessary to facilitate the proposed PBMSA development on the unzoned land. It is, in my judgment, therefore not a developer contribution in this appeal. Furthermore, no particular skills shortage was identified in this case, nor would the granting of permission on the appeal site result in the loss of employment land.

47. Whilst the Council's Developer Contributions Framework is a published document and a material consideration in determining planning applications, it is not a policy document. Furthermore, no justification was provided by the Council as to why they consider such a plan to be necessary for the appeal proposal. In any event, there is no policy requirement within Policy HOU12 of the PS that requires the submission of a CESP for PBMSA. The Council accepted this at the hearing. For the reasons given, Policy HOU12 of the PS is not offended. The Council's second draft reason for refusal is therefore not sustained.

Amenity of Neighbouring Residents

48. The third parties contend that the appeal proposal would negatively impact on their amenity due to concerns that there would be a loss of their privacy, loss of light and that they would feel hemmed in. They also expressed concerns regarding the appeal proposal resulting in a concentration of a high number of students in this area of Belfast and this leading to anti-social behaviour. The third parties considered that there would be noise and disturbance during both the construction and operational phases of the proposed development and that the mental health of those existing residents, particularly those that work from home, would be detrimentally affected. Criterion (b) of Policy RD1 of the PS requires that the proposed development will not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, dominance, noise or other disturbance.

49. As referenced earlier, the proposed PBMSA block would drop from eleven storeys at one end to five storeys to the middle of the appeal site before stepping up to eight storeys and then dropping again to five storeys to the south of the appeal site. Appended to the Council's Statement of Case is the Council's Development Management Officers Report (DMOR). It referred to the Department's guidance document Creating Places (CP). Paragraph 7.17 of CP discusses new residential schemes, such as apartments in relation to adjoining dwellings. That paragraph states that where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary. Paragraph 7.18 goes on to say that greater flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in inner urban locations or other higher density areas.

50. The appellant submitted a Daylight Sunlight Assessment (DSA) with their planning application. The DSA assesses the impact of the appeal proposal on the internal daylight of adjacent properties. That Assessment notes that due to the vacant nature of the existing appeal site, many of the windows and rooms within the neighbouring residential properties enjoy high levels of daylight and sunlight and it is therefore

inevitable that the neighbouring windows would undergo a change in light condition because of any reasonable massing proposal that comes forward on the appeal site.

51. The DSA identifies four properties that would experience changes in daylight and sunlight from the proposed development. Those four properties would be Victoria Place, the apartments along Great Victoria Street (Nos. 93-105 as referred to in the DSA relates to No. 97 as cited throughout this decision), No. 59 St. Georges Gardens and No. 60 St. Georges Gardens. The impacts on those residential properties are assessed in the report, with comparative evaluations between the potential impacts experienced within those properties against the present conditions and both the extant outline permission and this appeal proposal.

52. The DSA refers to Victoria Place having projecting balconies and the apartments along Great Victoria Street having windows that are recessed within the building. It goes on to say that "the effect of these overhanging balconies/portions of the building will self-limit the ingress of light from the sky to the windows beneath them. When considering these architectural factors alongside the current vacant nature of the site, such factors make 'Building Research Establishment (BRE) compliance' extremely difficult to achieve." The BRE have set out in their handbook 'Site Layout Planning for Daylight and Sunlight a Guide to Good Practice (BR 209 2022)' guidelines and methodology for the measurement and assessment of daylight and sunlight within proposed buildings.

53. The DSA concluded that for Nos. 59 and 60 St. Georges Gardens that the daylight impacts experienced would be minor in nature and similar to those experienced by the consented scheme. For Victoria Place, the report concludes that the impacts from the proposed development would be less than that which would be created by the previously consented and extant permission. In relation to No. 97 Great Victoria Street, the DSA concluded the same in that the daylight levels would marginally improve in comparison to that already given consent under the outline permission (LA04/2019/0127/O). The DSA goes on to say that the impacts that would be caused by the appeal proposal would be in keeping with the intention and flexible application of the BRE Guidelines. Furthermore, the Council expressed no concerns in terms of the impact on the amenity of neighbouring residents.

54. In this evidential context and given the proposed separation distances between the proposed PBMSA block and the surrounding residential properties, along with the variations in height of the appeal development, I am satisfied that the appeal proposal would not unduly affect or cause demonstrable harm to the privacy or amenity of neighbouring residents in terms of loss of light or dominance. The third parties' concerns are therefore not upheld.

55. Turning to anti-social behaviour, noise and potential disturbance, as previously mentioned, an outline SMP was submitted by the appellant at application stage and if the proposal is approved, a condition could be imposed requiring the implementation of a final SMP prior to occupation. Furthermore, the appellant's NIA predicted that the noise level at the external amenity area on the fifth floor would be 54.5dB L_{Aeq} during daytime hours. This is below the upper guideline limit of 55dB L_{Aeq}. The appellant's acoustic consultant indicates that the location would be subject to the upper fixed limit of 55dB L_{Aeq}. Having reviewed the NIA, the Council had no noise objections to the appeal proposal subject to the inclusion of certain conditions. One of those proposed conditions requires that a Construction Environmental

Management Plan (CEMP) be submitted to and approved in writing by the Planning Authority.

56. The Council suggested that the CEMP outline the methods to be employed to minimise any noise, vibration and dust impacts associated with the phased construction operations demonstrating the use of 'best practicable means' and paying due regard to BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration on Construction and Open Sites. If the appeal proposal is to be granted, such a condition would be necessary to safeguard the amenities of the area. Another condition would also be necessary requiring that the noise level emitting from the site does not exceed 54.5dB during daytime hours. A degree of disturbance during construction is inevitable with any building project, but such works would be temporary and in the developer's interests to carry out as expeditiously as possible. I have been given no persuasive evidence that the noise arising from such works would be to an objectionable degree that would warrant the withholding of planning permission. Also, as set out in the preceding paragraph, I am satisfied that the inclusion of a condition that ties the development to a final SMP would address the third parties concerns in relation to the management of student behaviour. The third parties' objections to the appeal proposal are therefore not sustained.

Other Matters

57. The third parties contend that the appeal proposal would provide a lack of parking, including disabled parking and that the public sewer system could not serve the appeal proposal without there being a significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. However, the Council has no objections on these matters. They consider that the appeal proposal falls within an Area of Parking Restraint and that a parking reduction is applicable.

58. Policy TRAN8 of the PS is entitled 'Car parking and servicing arrangements'. It states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy expands to say that "however the emphasis will be to allow parking provision that will assist in reducing reliance on the private car in particular for commuting into the city, help tackle growing congestion and bring about a change in travel behaviour. The precise amount of car parking for development proposals will be determined according to the specific characteristics of the development and its location having regard to the DfI's published standards or any reduction provided for in an area of parking restraint (Policy TRAN9). Proposals should not prejudice road safety, significantly inconvenience the movement of road users or be detrimental to local environmental quality."

59. The policy then sets out circumstances when a reduced level of car parking provision may be acceptable in areas beyond areas of parking restraints. Policy TRAN8 also indicates that "in assessing car parking provision the Council will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with relevant guidelines and practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided." The Department's Parking Standards do not have a category that sets out the parking requirements for student accommodation.

60. Policy TRAN9 of the PS is entitled 'Parking standards within areas of parking restraint'. It sets out parking standards for residential and non-residential development that applies to the designated areas of parking restraint. Those areas relate to the city centre core, the city centre fringe, and areas of parking restraint outside Belfast city centre. The policy requires 1 No. space per dwelling for residential development in all three areas and for non-residential development 1/300 No. of non-operational spaces per metres square of floorspace in the city centre core and 1/930 No. of operational spaces per metres square of floorspace.

61. Paragraph 9.4.36 of the amplification text of Policy TRAN9 of the PS states that "within areas of parking restraint, there is a presumption against additional car parking. The objective is to reduce the need for car borne commuting and promote a shift from car use in peak periods towards other forms of transport." The next paragraph indicates that the policy focuses upon controlling the amount of non-operational parking that can be provided within areas of parking restraint in the city centre. Appendix A of the PS states that the Area of Parking Restraint for the Belfast City Centre core as indicated in dBMAP will be used on an interim basis in considering Policy TRAN9 until it is reviewed in the local policies plan.

62. The PBMSA development proposes two disabled layby car parking spaces on Norwood Street. No other car parking spaces are provided. The proposal also includes 128 No. cycle spaces located within an internal storage area at ground floor level. The appeal proposal is in a proposed Area of Parking Restraint for the Belfast City Centre core in dBMAP where a parking reduction is applicable.

63. Paragraph 8.48 of the Council's DMOR indicates that DfI Roads has not identified a need for on-street parking at this location and would therefore be disinclined to adopt this part of the carriageway. The report indicates that however "DfI Roads does recognise that in the absence of disabled parking road markings in the layby, commuter marking will not be deterred and consideration should be given to marking this area as a 'loading only'." I note that the Private Streets Determination (PSD) drawing has the layby spaces marked out as disabled spaces.

64. DfI Roads go on to advise that the offer of two disabled layby spaces would not meet the parking requirements within the Council's own policies as well as its legal duty to have due regard to the need to promote equality of opportunity. However, there is no specific quantum of disabled parking required by Policy TRAN8 or associated guidance, simply a proportion of the spaces to be provided. In this case, there are no car parking spaces provided. The Council consider that the two proposed disabled layby spaces would be on balance considered acceptable. The Council essentially accept the principle of a "zero parking" scheme and indicate that other PBMSA proposals have been approved with zero parking in the city centre.

65. Whilst DfI Roads would be disinclined to adopt the part of the carriageway for on-street parking, I consider that this does not include the layby. Given the Council's acceptance of the two disabled layby spaces and the appellant's submission of a PSD drawing, I consider that should the development be approved, a condition would be necessary requiring that no development takes place until a determination has been made under Article 3 of the Private Streets (Northern Ireland) Order 1980. This would ensure that the layby is adopted.

66. The Travel Plan (TP) that accompanied the appellant's planning application indicates that its objective is to set out a long-term strategy to maximise the opportunity for residents, staff and visitors to avail of sustainable transport modes and to reduce the dependency on travel by private car. The TP indicates that the development is currently well-serviced by the existing public transport infrastructure with several bus stops located in walking distance of the site. The appeal site is also located within close proximity to a bus rapid transit system Glider Halt. The TP also identifies the Europa bus station and train stations nearby, now replaced by the Grand Central Station Transport Hub. The site is located within the city centre where there is a high level of pedestrian infrastructure, cyclist infrastructure and public transport including the Transport Hub.

67. Furthermore, the appeal proposal would be for students and so the level of car ownership would be lower than for other types of residents. The lack of parking spaces would also incentivise residents to not bring a car to the appeal development, even if they had one. I accept that residents, staff and visitors could avail of sustainable transport modes as an alternative to the private car. All the above factors, along with the provision of 128 No. cycle spaces and two disabled layby car parking spaces, outweigh the failure to fully comply with Policy TRAN9 of the PS. On balance, I am content to accept a zero level of car parking provision for the proposed PBMSA in a proposed Area of Parking Restraint in the city centre. The appeal proposal would provide adequate parking and would accord with Policy TRAN8 of the PS.

68. Northern Ireland (NI) Water informed the Council that sufficient wastewater treatment capacity is not presently available for the proposed development. NI Water goes on to say that there are plans to upgrade the wastewater treatment works in this area but that in the meantime, they are recommending that connections to the system be curtailed. NI Water has also confirmed that the receiving surface water network has reached capacity. Nevertheless, the Council indicate that NI Water is making allowance for those sites with existing significant committed developments across the city including extant planning permissions. The Council say that it is considered unreasonable to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city and the extant permission on the site.

69. Moreover, neither NI Water nor the third parties have provided persuasive evidence that the proposed development would have a direct and detrimental impact on the wastewater infrastructure or the environment. If permission is granted, a suitably worded condition could be imposed requiring that a method of sewage disposal be submitted to and agreed in writing with the Planning Authority prior to commencement of development or confirmation that a consent to discharge has been granted under the terms of the Water (NI) Order 1999. For all those reasons, and subject to such a negative condition, I am not persuaded that permission should be withheld on that basis.

70. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment (AA) is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects. Regulation 43(1) of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended) states that "a competent authority, before deciding to undertake, or give any permission or other authorisation for, a plan or project which – (a) is likely to have

a significant effect on a European site in Northern Ireland (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, shall make an AA of the implications for the site in view of that site's conservation objectives."

71. Where a plan or project is likely to have a significant effect on a European Site or Ramsar Site, the decision-maker shall agree to the plan or project only after having ascertained beyond reasonable scientific doubt that it will not adversely affect the integrity of the European Site or Ramsar Site.

72. The Council consulted with Shared Environmental Services (SES) in relation to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) ("Habitats Regulations"). Further to carrying out an Appropriate Assessment (AA) in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advised the Council that the appeal proposal would be unlikely to have a significant effect on the integrity of any European Site either alone or in combination with other plans or projects.

73. In reaching this conclusion, SES assessed the way the project would be carried out including any mitigation. SES indicate that their conclusion was subject to the inclusion of a condition if permission is granted. The suggested condition was that no development should take place unless a method of sewage disposal has been agreed in writing or a consent to discharge has been granted under the terms of Water (NI) Order 1999. As the competent authority, I accept and adopt the SES's Habitat's Regulations Assessment report and its conclusions therein, dated 28 April 2023. Given the suggested mitigation measure, I conclude that the proposed PBMSA would unlikely have a significant effect on the integrity of any European Site either alone or in combination with other plans or projects.

74. Other third party concerns include that a private development in the area would not benefit the community, that restoration of family homes would be more beneficial, that there would be less access for the fire service, and that there would be a clustering of students in this area. In considering these other concerns, for which I was given no persuasive evidence, they would neither individually nor cumulatively warrant the dismissal of the appeal.

75. No conflict arises between the DDP (BUAP and the HMO Subject Plan) and the PS policies in contention. In this appeal context, the proposed PBMSA development therefore accords with the LDP.

76. For the reasons given above, the Council's two draft reasons for refusal and the third parties concerns are not upheld. The appeal shall succeed.

77. As well as the conditions referred to earlier in this decision, further conditions are necessary. A condition relating to any new contamination risks identified during construction and remediation is required given the site's city centre location, as well as one requiring a verification report in that event. A condition is necessary that requires that noise mitigation measures and alternative means of acoustically attenuated ventilation specified within the acoustic reports are installed within the habitable rooms of the development. Another condition is necessary that requires the separation walls and floors between the habitable rooms and gym, plant rooms and laundry rooms to be constructed in at least 200mm concrete. Furthermore,

conditions are necessary that require vibration isolation mounts to be installed to all air source heat pumps and the dust management measures in the acoustic report are implemented. These conditions are required in the interests of safeguarding the amenity of occupants of the building.

78. A condition is necessary in the event that any centralised combustion sources are installed to ensure that the ambient air pollution related to the site is appropriately dealt with in the interest of human health. A condition is required for the provision of full details of any public realm improvements to the footway bounding the site in the interests of character and appearance of the area and to enhance connectivity to and from the development. Also, a condition is required for the submission prior to development commencing of a sample of the external brick or any render to be used in the construction of the PBMSA in the interests of the character and appearance of the area. A condition is required for the provision of a final waste management plan to provide for provision of refuse and recycling storage in the interests of the amenities of the area. Furthermore, a condition is required for the provision of a final travel plan to promote sustainable transport modes and reduce dependency on travel by private car. Another condition is necessary requiring the provision of a final service management plan in the interests of amenity, road safety and convenience of road users.

79. To ensure a quality residential development is provided, it is necessary to apply a condition that requires that the internal and external amenity areas of the development are implemented. A condition is necessary for the provision of landscaping and for continuing maintenance and replanting where necessary in the interest of visual amenity.

Conditions:

1. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease immediately and the Planning Authority shall be notified within one working day. This new contamination shall be fully investigated in accordance with the Land Contamination Risk Management (LCRM) Guidance and its updates available at https//www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. No further development works shall take place until a report detailing the findings of the investigation and any necessary remediation measures, have been submitted to and approved in writing by the Planning Authority.

2. After the completion of the remedial works referred to in Condition 1 and prior to the occupation of the development, a verification report shall be submitted to and approved in writing by the Planning Authority. The verification report shall demonstrate that all the remediation measures, waste management and monitoring works have been successfully completed.

3. Prior to commencement of the development, a method of sewage disposal shall be submitted to and agreed in writing with the Planning Authority or confirmation that a Consent to discharge has been granted under the terms of the Water (NI) Order 1999 shall be provided to the Planning Authority in writing.

4. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the

Planning Authority. The Plan shall outline the methods to be employed to minimise any noise, vibration and dust impacts associated with the phased construction operations demonstrating the use of 'best practicable means'. The plan shall pay due regard to BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration on Construction and Open Sites, and include a detailed programme for the construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison in accordance with the Code of Practice.

5. Prior to occupation of the building, the noise mitigation measures and alternative means of acoustically attenuated ventilation specified within Section 2.3 and Appendix B of the previously submitted Irwin Carr Consulting letter dated 12 September 2023 shall be installed within the habitable rooms of the development and shall be permanently retained thereafter.

6. Prior to occupation of the building, the separating walls and floors between the habitable rooms and the development gym, plant rooms and laundry rooms shall be constructed and permanently retained thereafter of at least 200mm concrete in accordance with Section 2.3.3 of the previously submitted Irwin Carr Consulting letter dated 12 September 2023.

7. The noise level emitted from the outside amenity areas of the development, measured from any part of those areas, shall not exceed 54.5db$_{LAeq}$ during daytime hours.

8. Prior to occupation of the building, vibration isolation mounts shall be installed to all air source heat pumps and permanently retained thereafter.

9. Prior to occupation of the building, the dust management measures specified within Chapter 6 of the Irwin Carr Consulting's Air Quality Impact Assessment, dated 19 April 2023, shall be implemented and shall be permanently retained thereafter.

10. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed, an updated Air Quality Impact Assessment shall be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The Assessment shall include details of the combustion plant to be installed, the emission rates and flue termination heights of the proposed combustion systems. It shall demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with the operation of the proposed combustion plant and the development.

11. Prior to occupation of the building, a Final Waste Management Plan shall be submitted to and approved in writing by the Planning Authority. The Purpose Built Management Student Accommodation shall be operated in perpetuity in accordance with the agreed Waste Management Plan.

12. Prior to occupation of the building, a Final Travel Plan shall be submitted to and approved in writing by the Planning Authority. This shall be in conformity with the Draft Travel Plan Framework dated March 2023 and previously submitted to the Planning Authority. The Travel Plan shall incorporate the following:
    - Objectives and targets for reducing private car use;
    - Measures to promote sustainable transports;

- Appointment and identification of a Travel Plan Co-ordinator;
- Means of funding of the Travel Plan including Travel Plan Co-ordinator;
- Implementation timetable including the responsible body for each action; and
- Mechanisms for monitoring and review.

The development shall be operated in perpetuity in accordance with the agreed Travel Plan.

13. No development shall take place until a Final Service Management Plan has been submitted to, and approved in writing, by the Council. The development hereby approved shall not be occupied until the approved arrangements are in place and permanently retained thereafter.

14. Prior to occupation of the building, a Final Purpose Built Managed Student Accommodation Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall be in conformity with the Outline Student Draft Management Plan, dated March 2023 and previously submitted to the Planning Authority. The Purpose Built Management Student Accommodation development shall be operated in perpetuity in accordance with the agreed Management Plan.

15. Prior to commencement of the development (other than site clearance, site preparation and the formation of foundations and trenches), full details of the public realm improvements to the footway bounding the site shall be submitted to and approved in writing by the Planning Authority. The details shall include (i) surface materials; (ii) the design and provision of underground ducting; and (iii) arrangements for long-term management and maintenance. The development shall not be occupied or operated until the public realm works have been completed in accordance with the approved details. The public realm shall be managed and maintained in accordance with the approved details.

16. Prior to commencement of the development (other than site clearance, site preparation and the formation of foundations and trenches), a physical sample panel of any external brickwork or any render of the building shall be submitted to and approved in writing by the Planning Authority. The sample panel shall be accompanied by a written specification detailing the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick material or render.

17. Prior to occupation of the building, the external and internal amenity areas shown on the approved floor plans numbered 01A, 02A, 03A, 04A, 05A, 06A, 07A and 08 shall be implemented in accordance with those drawings. The amenity areas shall be permanently retained thereafter.

18. Prior to the occupation of the building, all hard and soft landscaping works shall be carried out in accordance with the approved plans. Any trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation. 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 thereafter in accordance with the approved details.

19. No development shall take place until a determination has been made under Article 3 of the Private Streets (Northern Ireland) Order 1980.

20. The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings:

Architect's Drawing Nos.	**Drawing Title**	**Scale**	**Date of Drawing**
01	Site Location Plan	1:1250 @A3	Dec 2018
03A	Proposed Site Plan	1:500 @A3	Dec 2022
01A	Proposed Ground Floor Plan	1:500 @A3	Dec 2022
02A	Proposed First Floor Plan	1:500 @A3	Dec 2022
03A	Proposed Second and Third Floor Plan	1:500 @A3	Dec 2022
04A	Proposed Fourth Floor Plan	1:500 @A3	Dec 2022
05A	Proposed Fifth Floor Plan	1:500 @ A3	Dec 2022
06A	Proposed Sixth and Seventh Floor Plan	1:500 @A3	Dec 2022
07A	Proposed Eighth, Nineth, Tenth Floor Plan	1:500 @A3	Dec 2022
08	Proposed Roof Plan	1:500 @A3	Dec 2022
300-01B	Proposed Elevations (Sheet 1 of 2) (North and East Elevations)	1:100 @A1	14 Mar 2023
300-02B	Proposed Elevations (Sheet 2 of 2) (South and West Elevations)	1:200 @A1	14 Mar 2023
04A	Proposed Boundary Treatment Details	1:200 @A3	Jul 2023
23-001-DR-101	Private Streets Determination	1:250 @A1	25 Apr 2023

COMMISSIONER B STEVENSON

List of Appearances

Planning Authority: -	Mr Kevin McDonnell, Belfast City Council Mr Michael McErlean, Belfast City Council Mr Martyn Smithson, Belfast City Council Mr Conor Campfield, Belfast City Council
Appellant:	Mr Stewart Beattie KC Dr. Michael Gordon, Turley Mr Philip Stinson, Turley Mr Arthur Parke, Like Architects *(observing only)* Ms Donna Lyle, Turley (*observing only)* Ms Aoife Bryne, Turley *(observing only)* Mr Barry Gilligan, Artemis Developments *(observing only)* Ms Fiona Hughes, Artemis Developments *(observing only)*

List of Documents

Planning Authority: -	A	Statement of Case and appendices Belfast City Council
Appellant: -	B	Statement of Case and appendices Turley on behalf of Artemis Developments
Third Parties: -	C	Statement of Case Knox Moore
	D	Statement of Case Ms Lavery