

**Development Management Report  
Addendum Report**

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 17 September 2019	
<b>Application ID:</b> LA04/2019/0553/F and LA04/2019/0420/DCA	
<b>Proposal:</b> Demolition of existing building and erection of 175 bed aparthotel with associated bar, restaurant and conferencing facilities and associated works.	<b>Location:</b> Land at Lyndon Court 32-38 Queen Street Belfast BT1 6EF.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Oakland Holdings Ltd Office 2 Floor 1 Wellington Buildings 2-4 Wellington Street Belfast BT1 6HT	<b>Agent Name and Address:</b> O'Toole & Starkey Arthur House 41 Arthur Street Belfast BT1 4GB
<b>Referral Route: Major application</b>	
<p><b>Executive Summary</b></p> <p>The application was scheduled for August Planning Committee at which time the application was deferred for a site visit to allow members the opportunity to consider the details of the site and the locality.</p> <p>The site visit was undertaken on 4<sup>th</sup> September.</p> <p>A number of consultations have been returned since the publication of the original report as attached:</p> <ul style="list-style-type: none"> <li>- DfI Roads Service have no objections as all matters are resolved</li> <li>- The Natural Environment Division have confirmed that the Bat Survey is acceptable and that they have no objections</li> <li>- Both the Urban Design and Conservation Officers have confirmed that the change in materials to light grey mottled brick and copper/bronze aluminium curtain walling on the top two floors resolves their remaining concerns as set out in the responses.</li> <li>- The Historic Environment Division have similarly assessed the amended plans with regards to materials and roofscape and have no objections</li> </ul> <p>An additional condition is recommended by officers to ensure that the apart-hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use:</p> <p style="text-align: center;"><i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking</i></p>	

*and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Planning Authority at all reasonable times.*

*Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.*

The opinion remains that the application be approved for the reasons set out in the original report below.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions.

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 13 <sup>th</sup> August 2019	
<b>Application ID:</b> LA04/2019/0553/F and LA04/2019/0420/DCA	
<b>Proposal:</b> Demolition of existing building and erection of 175 bed aparthotel with associated bar, restaurant and conferencing facilities and associated works.	<b>Location:</b> Land at Lyndon Court 32-38 Queen Street Belfast BT1 6EF.
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<p><b>Executive Summary:</b></p> <p>This application seeks the demolition of the current Lyndon Court building and the erection of a new 9-storey aparthotel with restaurant and conferencing facilities. The design is contemporary whilst considered cognisant of the conservation area and nearby listed buildings.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> <li>• The principle of demolition in the conservation area;</li> <li>• The principle of hotel use at this location;</li> <li>• The impact on built heritage</li> <li>• The impact on traffic and parking</li> <li>• The impact on amenity</li> <li>• The consideration of site drainage</li> <li>• The impact on human health</li> <li>• The impact on the amenity of adjacent land users</li> <li>• The consideration of economic benefits</li> <li>• The consideration of developer contributions</li> </ul> <p>The site is located within the City Centre, City Centre Conservation Area, Area of Parking Restraint, Primary Retail Core, Airport Height Restriction, Old City Character Area and proximate to listed buildings.</p> <p>Transport NI, NIEA, Rivers Agency, HED and NIW were all consulted in addition to the Environmental Health Officer, Urban Design Officer and Conservation Officer within Belfast City Council. Their responses are detailed in the main body of the report.</p> <p>No third party representations were received.</p>	

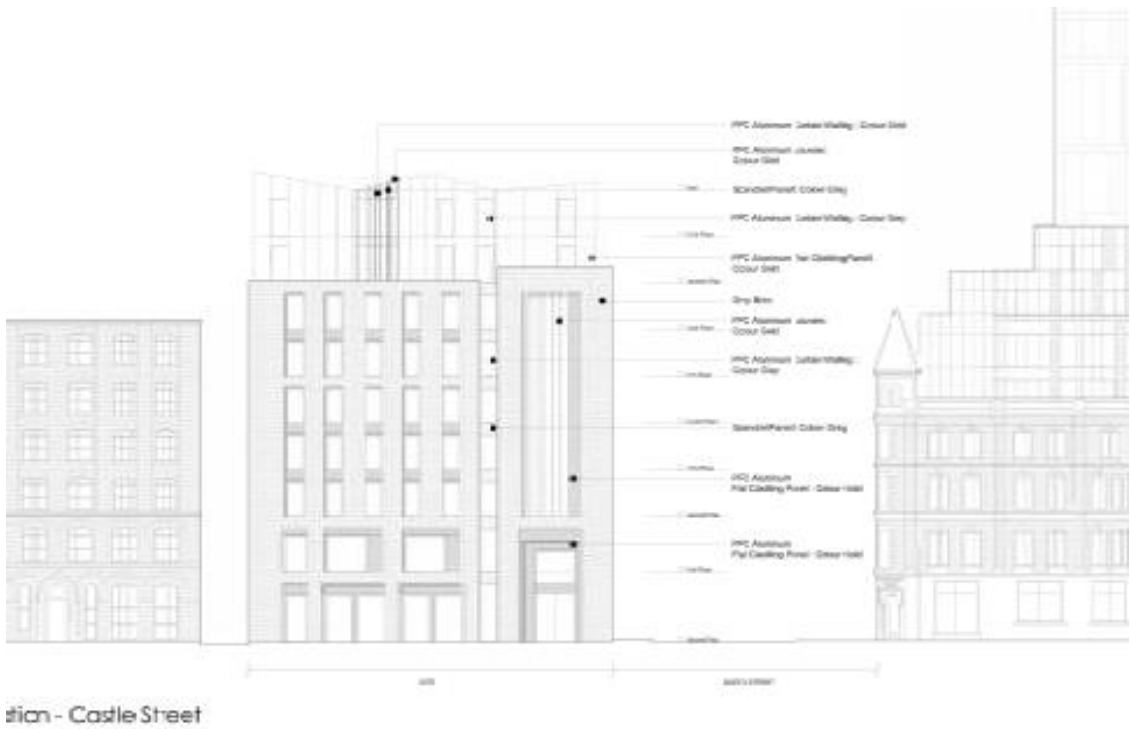
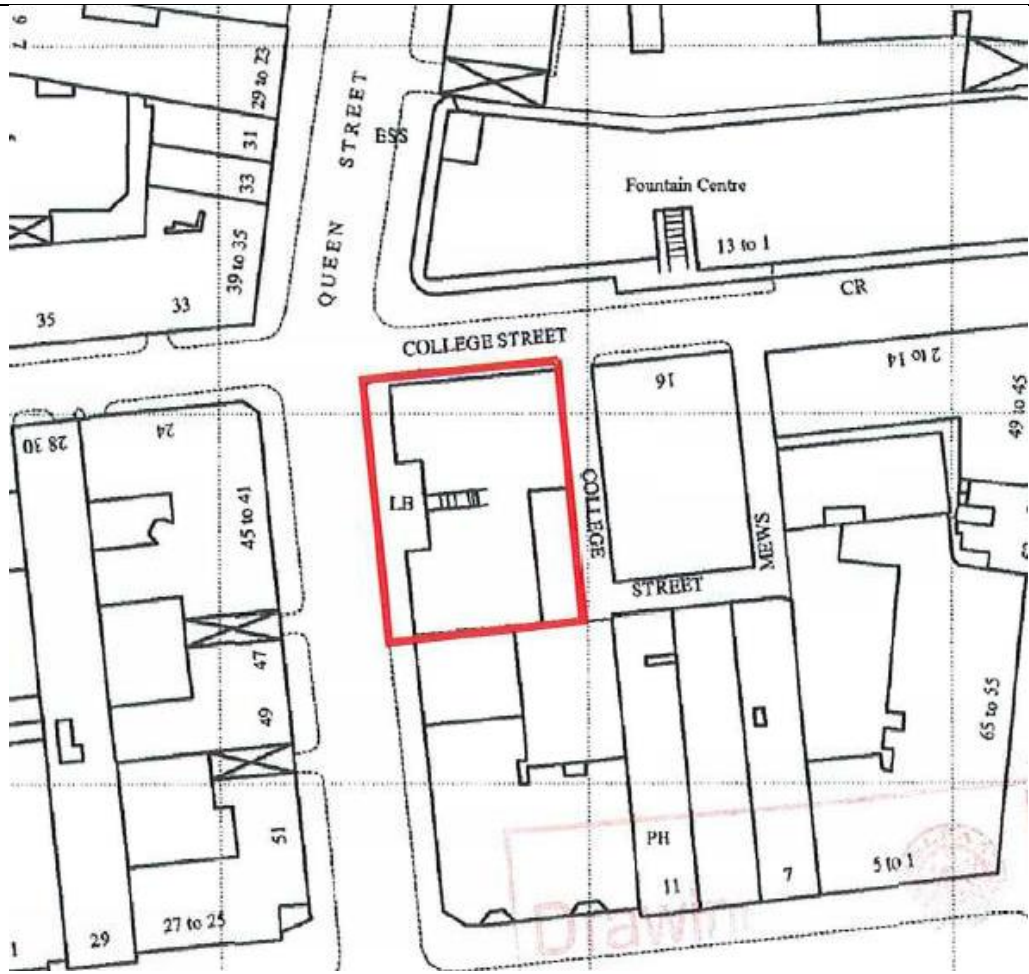
Having regard to the submitted information and reports, consultee responses and representations, officers conclude that the current building and proposed replacement building meet the policy tests to permit demolition. The Conservation Officer notes that the current building does not reflect the architectural or historical interest of the wider conservation area and does not make a material contribution that merits retention. Officers consider that the proposed scheme will contribute positively to the local environment by enhancing the character and appearance of the conservation area. The hotel will make a positive contribution to the economy. The proposal meets the policy tests outlined in the SPPS and Planning Policy Statement 6.

Having regard to the Development Plan, and other material considerations, the proposed development is considered, on balance, acceptable.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission, subject to resolving final conditions with DfI Roads, NIEA, Rivers Agency and Historic Environment Division.

Case Officer Report

Site Location Plan/Elevations



Characteristics of the Site and Area

<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	This application seeks the demolition of the existing Lyndon Court building located at the corner of Queen Street and College Street and its replacement with a 9-storey 175 bedroom aparthotel.
1.2	The proposed building will incorporate: (a) a shoulder height of seven storeys covering the full extent of the site with emphasis placed on a slightly raised corner element. Floors finished in a grey brick with gold accents in the form of window framing/reveals;  (b) two additional floors above the shoulder height setback marginally from the outer façade of the lower seven floors. These two floors undulate in their planform/height and incorporate aluminium cladding of the same gold palette as proposed in the detailing of the main façade on lower floors.
<b>2.0</b>	<b>Description of Site and Area</b>
2.1	The current building is three storey, brown brick building and there is a central staircase to first floor courtyard from Queen Street.
2.2	The site is located within the City Centre as defined by BMAP 2015. It is within the City Centre Conservation Area. The Conservation Officer characterises this as containing “ <i>a substantial heritage of Victorian and Edwardian buildings. Its townscape pattern reflects the earlier history of the town, with continuity between past and present expressed through the buildings streetscapes and layout. A variety in frontages, forms and materials are balanced by unifying elements such as height, proportion, scale and grain; which ensures a unified diversity within elevations that adhere to a similarity of form language</i> ”.
2.3	The area is primarily commercial in nature with shops and offices. Across the road from the site is Swanston House, the redevelopment and extension of the former Athletic Stores Building on Queen Street for student accommodation.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	Z/2010/0385/F and Z/2010/0387/DCA - Demolition of existing office building and construction of 7-storey office accommodation with ground floor retail – Approved.
3.2	Z/2008/0559/F and Z/2008/0566/DCA - Demolition of existing building and erection of four-storey mixed-use development comprising retail units at ground floor and office space on upper floors – Approved.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage

	Planning Policy Statement 15 (Revised) - Planning and Flood Risk City Centre Conservation Area document
<b>5.0</b>	<p><b>Statutory Consultees</b></p> <p><b>Transport NI</b> – no objection subject to conditions and informatives</p> <p><b>Rivers Agency</b> – requested confirmation from NI Water that there is a consent to discharge</p> <p><b>NIEA Historic Buildings Unit</b> – No objection subject to resolution of materials and levels</p> <p><b>NIEA Historic Monuments Unit</b> – no objection.</p> <p><b>NIEA Water Management Unit</b> – issued standing guidance</p> <p><b>NIEA Land, Soil, and Air</b> – no objection subject to conditions and informatives</p> <p><b>NIEA Natural Environment Division</b> – no objections subject to final response regarding bats</p> <p><b>NIW</b> – No objections.</p>
<b>6.0</b>	<p><b>Non-Statutory Consultees</b></p> <p><b>Environmental Health BCC</b> – no objection subject to conditions and informatives</p> <p><b>Conservation Officer BCC</b> – considers that the existing building does not make a material positive contribution and that on balance the proposed rebuild will enhance the Conservation Area subject to resolution of the palette of materials and recommends the use of conditions to address this matter</p> <p><b>Urban Design Officer BCC</b> – content that the redesign now addresses the appropriate cues in the immediate environment subject to resolution of the palette of materials an recommends the use of conditions to address this matter</p> <p><b>City Centre Development Team BCC</b> – content that the proposal will contribute positively</p>
<b>7.0</b>	<b>Representations</b>
7.1	No representations were received.
<b>8.0</b>	<b><u>ASSESSMENT</u></b>
<b>8.1</b>	<b><u>Development Plan</u></b>
8.1.1	Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.
8.1.4	In draft BMAP 2004, the site is located within the development limit for Belfast City Centre (CC001), within the City Centre Conservation Area (CC103), within the Belfast City Core Area of Parking Restraint (CC025), within the Primary Retail Core (CC007) and within the Old City Character Area (CC012).

8.1.5	The draft BMAP 2015 identifies the extent of the City Centre Conservation Area (CC103) and notes that it is a substantial area of the city and comprises much of the late Victorian commercial architecture of a bustling, self-confident town which expanded rapidly in the nineteenth century. The Plan further advises that development proposals within the City Centre Conservation Areas are to be assessed in accordance with Planning Policy Statement 6 Planning, Archaeology and the Built Heritage; however it does not contain any specific policy provisions relevant to these conservation areas.
8.1.6	The application site lies within the Old City Character Area (CC007). The Character Area Designations specify urban design criteria related to the massing, alignment and scale of buildings. In their report on the Public Local Enquiry into Objections to the BMAP 2015 the Planning Appeals Commission (PAC) explored a number of general objections to all Character Areas and in particular to specific design criteria. The PAC concluded that in general the design criteria were merited and basic expectations of responsive urban design within a City Centre context.
8.1.7	The Urban Design Criteria relating to this character area does not specify heights for Queen Street but states that heights of a minimum of 3 storeys and a maximum of 5 should be maintained.
8.1.8	In addition, the criteria state that the density of development should be increased/maintained and should take account of adjoining buildings.
<b>8.2</b>	<b><u>The principle of hotel development at this location</u></b>
8.2.1	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.2	The proposed hotel use sits comfortably with the site's prime city centre location. As the site is within the Primary Retail Core, Policy R1 applies. The proposal is not within a designated Primary Retail Frontage and whilst there is a loss of some retail floor space at ground floor level, some of this had lain empty in recent years and it is considered that a hotel and associated restaurant and bar would contribute to the vibrancy of the street scene and local economy.
8.2.3	As the site contains some offices, Policy PED 7 of Planning Policy Statement 4: Planning and Economic Development applies. Policy PED 7 seeks to protect employment land. Given the underuse of the office units and the expected contribution to the local economy that the proposed hotel (a compatible sui generis use) should bring, it is considered that Policy PED 7 (a) and (c) are satisfied.
<b>8.3</b>	<b><u>The impact of the proposal on the built heritage</u></b>
8.3.1	The application was originally submitted with a total height of 14 storeys. Officers considered this far too tall and fundamentally inappropriate in the context of the conservation area and immediate context. As such an amended scheme was submitted to address the issues raised.
8.3.2	Section 104 of the Planning (NI) Act 2011 advises that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.



8.3.3	<p>The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It advises that until councils have adopted a new Plan Strategy any conflicts between the SPPS and existing specified retained Planning Policy Statements (including PPS6) are to be resolved in favour of the SPPS. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 of the SPPS advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It goes on to say that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.</p>
8.3.4	<p>Policy BH14 of PPS 6 advises that demolition of an unlisted building in a conservation area should normally only be permitted where the building makes no material contribution to the character or appearance of the area.</p>
<b>8.4</b>	<p><b><u>Demolition in the Conservation Area</u></b></p>
8.4.1	<p>In assessing the contribution of the existing building to the character or appearance of the Conservation Area, regard should be had to the conservation area guidance. The City Centre Conservation Area Guide was published in 1998 and states that new buildings will be expected to take account of the character of their neighbours and should, in mass and outline, be sympathetic to the rhythm of the street scene. Furthermore, materials should generally be of a quality, texture, and colour compatible with the character of the area.</p>
8.4.2	<p>The Conservation Officer states that <i>'by nature of its age and style, it is clear that the physical fabric of the existing building does not reflect the architectural or historical interest of the wider conservation area'</i> and that <i>"it is concluded that the existing building does not make a material, positive contribution to the character and appearance of the conservation area'</i>.</p>
8.4.3	<p>Policy BH 14 states that where a building makes a positive contribution to the character or appearance of a conservation area there will be a presumption in favour of retaining it and in assessing the proposals the Council will have regard to the same broad criteria outlined for the demolition of a listed building under Para 6.5 of PPS 6 and Policy BH10. There are two previous approvals which have permitted demolition of the Lyndon Court building. As stated by the Conservation Office, the Lyndon Court Building is not considered to make a positive contribution to the Conservation Area. Therefore in the circumstances, Policy BH14 applies however it is not necessary to consider Policy BH10. The replacement proposals falls to be considered under Policy BH12 as detailed below.</p>
<b>8.5</b>	<p><b><u>The impact of the proposed building on the Conservation Area</u></b></p>
8.5.1	<p>The House of Lords in the <i>South Lakeland</i> case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."</p>
8.5.2	<p>The proposed building should be considered having regard to the SPPS and Policy BH12 of PPS 6.</p>
8.5.3	<p>The proposal has been assessed against Policy BH12 of PPS6. The site is located within the Belfast City Centre Conservation Area as designated in the BUAP and BMAP/dBMAP.</p>

	<p>As detailed previously, the current building is not considered to make a material contribution to the conservation area however there is still a balance to be achieved with the proposal in terms of assessing the new proposal.</p>
8.5.4	<p>Policy BH12 of Planning Policy Statement 6 (PPS6) details criteria for new development in the conservation area. This policy contains a number of criteria which are applied to proposals in the conservation area.</p>
8.5.5	<p><b>(a) the development preserves or enhances the character and appearance of the area;</b>  The Conservation Officer opines that <i>'the proposed siting, height, scale and massing of the scheme as now proposed are considered acceptable for the context of the site, and of suitable quality to sympathetically respect the characteristic built form of the area'</i>. He goes on to state that the <i>'proposed palette of finish and materials are not of suitable quality to achieve a sympathetic relationship with its surrounding context; in that they would present a dominant and contrasting duality that would be contrary to the principle of architectural unity and composition'</i></p>
8.5.6	<p><b>(b) the development is in sympathy with the characteristic built form of the area;</b>  The character of the area has altered significantly in recent years. These changes have taken place within the conservation area, as well as beyond. A significant shift in the built form of this part of the conservation area has been the introduction of a prominent backland extension to the former Athletic Stores building as well as façade retention and a roof setbacks on the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> storeys. There have also been other notable developments on the larger Wellington Place thoroughfare.</p> <p>The height of the proposal has been reduced from 14.5 storeys to a more appropriate 9 no. storeys comprising a base of 7 storeys thereby reducing the visual dominance of the proposal significantly. This height is above the 5 storey maximum in the urban design criteria within dBMAP which is a general height recommendation, not specific to this particular site or street. It is the Officer's view that a 5 storey building on this site would be too domestic in scale given its corner location and it is noted that permission was previously granted for 7 storeys. The Urban Design Officer states that <i>'from an urban design viewpoint, the revised scale, height and massing of the building is now considered to respond more appropriately to local context when compared to the initial iterations of the scheme'</i>. The Conservation Officer also notes that <i>'the siting, height, scale and massing of the scheme as now proposed are considered acceptable for the context of the site, and of suitable quality to sympathetically respect the characteristic built form of the area'</i>. Regard is had to this being an important corner site on the junction of College Street and Queen Street, where it is appropriate to see a building of increased height and prominence. It is considered that the massing and form of the building would sit comfortably in its context and surrounding buildings.</p> <p>The Urban Design Officer notes that <i>"Features common to these buildings include;</i></p> <ul style="list-style-type: none"> <li>- <i>A raised one and a half storey GF height;</i></li> <li>- <i>A hierarchy of window openings which generally decrease in size as they proceed up the building;</i></li> <li>- <i>A general vertical emphasis of openings which incorporate regular spacing between;</i></li> <li>- <i>The marking of the corner with subtle increases in height alongside decorative detailing.</i></li> </ul> <p><i>Elements of these common features have been successfully translated into the articulation of the facades of the new building, albeit in a modern and contemporary manner".</i></p>

	<p>With regards to plant, the Urban Design Officer notes that <i>'from the submitted roof plan that a dotted outline is shown which denotes a modest 'Plant Zone' (measuring around 65m<sup>2</sup>), located centrally within the roof and to be concealed behind a parapet wall. A small lift overrun is also shown immediately adjacent to this plant zone. Further details should be provided in relation to these elements, such as an appropriately scaled cross-section, in order to properly assess any visual implications that these elements may have'</i>. This further detail has been requested from the agent.</p>
8.5.7	<p><b>(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;</b>  The Urban Design Officer states that in <i>'terms of materials, the scheme proposes the use of a grey brick as the primary material over the lower seven floors, complemented by gold accents for window framing/reveals and within the vertical louvred corner feature. The gold accent colour then continues at 7F and 8F in its application to the full extent of the panelling proposed at this level.'</i></p> <p>Both the Conservation Officer and Urban Design Officer have expressed concerns with regards to the specific palette of materials proposed for the site. Both have recommended:</p> <ul style="list-style-type: none"> <li>- A lighter grey, mottled brick work finish in place of the current dark grey while avoiding entirely the use of black brick; and</li> <li>- A cladding finish that incorporates a bronze, copper or red hue, as opposed to gold so as to pick up subtly on the tonal qualities of the predominant red brick in the locality, as opposed to the brighter yellow gold shown on the 3D visuals</li> </ul> <p>This has been discussed with the agent who was favourable to this approach and delegated authority is sought to resolve the final detailing of materials and final wording of conditions to control the same.</p>
8.5.8	<p><b>(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;</b>  Environmental Health have not raised any concerns subject to conditions regarding contamination and noise.</p>
8.5.9	<p><b>(e) important views within, into and out of the area are protected;</b>  Given the location of the site on the corner of Queen Street and College Street, the proposal will not be visible from outside the conservation area. The key views for consideration within the Conservation Area are from Wellington Place, College Street and Queen Street. Having assessed these key views on the basis of the submitted material, and using VU.CITY, the proposal is considered acceptable.</p>
8.5.10	<p><b>(f) trees and other landscape features contributing to the character or appearance of the area are protected;</b>  There are no landscape features on the site.</p>
8.5.11	<p><b>(g) the development conforms to the guidance set out in conservation area documents.</b>  It is considered that the proposals are consistent with the guidance.</p>
8.5.12	<p>In conclusion, criteria (a) to (g) of Policy BH 12 have been assessed with input from the Conservation Officer and Urban Design Officer. Subject to resolution of the external materials, the proposal is deemed to be acceptable in policy terms.</p>
<p><b><u>The impact of the proposal on nearby Listed Buildings</u></b></p>	

8.6 8.6.1	<p>Policy BH11 of Planning Policy Statement 6 (PPS6) relates to development affecting the setting of a listed building. There are a number of listed buildings in the immediate vicinity that would be affected by the proposal. These are:</p> <ul style="list-style-type: none"> <li>- Grade B1 buildings 7, 9 and 11 Wellington Place</li> <li>- RUC Barracks/Children's Hospital Queen Street</li> </ul>
8.6.2	<p>The proposal is assessed against Policy BH11 as follows.</p> <p><b>(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;</b></p> <p>HED provides the following advice: <i>'the amended proposal has addressed concerns in relation to scale, height, massing'</i> and will have a negligible adverse impact.</p>
8.6.3	<p>HED recommend accurate topographical levels should be indicated for finished ground and roof heights on all elevation drawings, together with clearly defined setback distances". Delegated authority is sought to request this further information from the agent.</p> <p><b>(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</b></p>
8.6.4	<p>HED similarly commented on the brick proposed and suggested a lighter tone. They also recommend a condition to require samples of roof-top cladding and fin material prior to construction.</p> <p><b>(c) The nature of the use proposed respects the character of the setting of the building</b></p>
8.7 8.7.1	<p>It is considered there is no conflict from the proposed use that would harm the setting of the Listed Buildings.</p> <p><b><u>Archaeology</u></b></p>
8.8 8.8.1	<p>The application site is located within the Belfast Area of Archaeological Potential, designated to protect the above-ground and below-ground archaeological remains associated with early development of the settlement. Historic Environment Division: Historic Monuments Unit (HMU) have been consulted and considered the impacts of the proposal. HMU is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6. Conditions are recommended accordingly.</p>
8.9 8.9.1	<p><b><u>Ecology</u></b></p> <p>NIEA were consulted and had no objections. The agent submitted a Bat Roost Assessment which resulted in NIEA being reconsulted. Delegated authority is requested to finalise the consultation response from NIEA.</p>
8.10	<p><b><u>Traffic, Movement and Parking</u></b></p> <p>DFI Roads have advised that the proposal is acceptable in principle however they do require further information with regards to pedestrian access doors and footway and carriageway arrangements. Further information has been submitted and DfI Roads have been reconsulted. Delegated authority is sought to agree final conditions with DfI Roads following their final response.</p>
	<p><b><u>Contaminated Land</u></b></p>

8.10.1	The application is supported by a Phase 1 contaminated land report. The Environmental Health Service and NIEA Air, Land and Soil has reviewed the Phase 1 report and both note that a Phase 2 risk assessment report is required and have provided conditions to require the submission of same prior to construction.
8.11 8.11.1	<p><b><u>Noise</u></b></p> <p>The application is supported by a Noise Impact Assessment. The Environmental Health Service has reviewed the NIA report and have provided conditions accordingly.</p>
8.12 8.12.1	<p><b><u>Air Quality</u></b></p> <p>Environmental Health have no concerns regarding air quality but did note that the medium combustion plant may require authorisation from the NIEA under separate legislation.</p>
8.13 8.13.1	<p><b><u>Site Drainage</u></b></p> <p>The proposal is supported by a Drainage Assessment. Rivers Agency has advised that Policies FLD 1, 2, 4 and 5 of the Revised PPS15 – ‘Development in Fluvial (River) and Coastal Flood Plains’ do not apply. They have requested further information in the form of a PDE response from NI Water consenting to discharge to their system. Delegated authority is sought to resolve this matter.</p>
8.14 8.14.1	<p><b><u>The impact on the amenity of adjacent land users</u></b></p> <p>It is considered that the proposal would not result in any unacceptable overlooking, loss of light, overshadowing, loss of outlook or other harmful impacts on adjacent land users.</p>
8.15 8.15.1	<p><b><u>Pre-Community Consultation</u></b></p> <p>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 applicants for planning permission to consult the community in advance of submitting an application.</p>
8.15.2	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a ‘Proposal of Application Notice’ (PAN) that an application for planning permission for the development is to be submitted. LA04/2018/2687/PAN was submitted to the Council on 12<sup>th</sup> November 2018 and was deemed to be acceptable on 27<sup>th</sup> November 2018.</p>
8.15.3	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of public meetings, stakeholder letters and the public advertisement. Responses were cited as being generally positive regarding redevelopment of the site and the proposed use. An attendee expressed concern regarding height while another raised ground floor frontages. Whilst the proposal was not amended in light of those concerns prior to submission, the scheme has been subsequently reduced in height to 9 storeys.</p>
8.15.4	<p>It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>

<p><b>8.16</b></p>	<p><b><u>Developer Contributions</u></b></p>
<p>8.16.1</p>	<p>Para 5.69 of the SPPS states that “Planning authorities can require developers to bear the costs of work required to facilitate their development proposals”. As the public realm adjacent to the site has been upgraded recently, it was not therefore necessary to require a developer contribution.</p>
<p><b>8.17</b></p>	<p><b><u>Economic Benefits</u></b></p>
<p>8.17.1</p>	<p>Paragraphs 4.18 and 4.22 of the SPPS state that planning authorities should take a positive approach to appropriate economic development proposals and pro-actively support and enable growth generating activities. It further states that the environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built heritage. In this case, an aparthotel with restaurant and bar will undoubtedly contribute to job creation, tourism and revenue.</p>
<p>8.17.2</p>	<p>The BCC City Centre Development team were consulted and responded to state that the proposal ‘<i>broadly contributes to the delivery of policies and core principles within the City Centre Regeneration and Investment Strategy in terms of maximising the tourism opportunity and increasing the employment population</i>’.</p>
<p><b>8.18</b></p>	<p><b><u>Statutory Consultation</u></b></p>
<p>8.18.1</p>	<p>The proposal was first advertised on 29<sup>th</sup> March 2019 and neighbours notified on 26<sup>th</sup> March 2019. The revised scheme was advertised on 23<sup>rd</sup> July 2019 and neighbours notified on 17<sup>th</sup> July 2019. The expiry date for the submission of representations is the 9<sup>th</sup> August 2019. There are no representations to date should any further substantial representations be received however, the application will be returned to Committee for consideration.</p>
<p><b>8.19</b></p>	<p><b><u>Conclusion</u></b></p>
	<p>Para 6.18 of the SPSS states that the “guiding principle is to afford special regard to the desirability of enhancing” conservation areas.</p> <p>When assessed in the round, it is considered that the scheme would achieve this. The proposal would result in the removal a modern and domestic building whilst the new building would be a high quality landmark building on an important corner junction.</p> <p>HED, the Urban Design Officer and Conservation Officer concur that the height and massing of the proposed development is appropriate to the context of the conservation area but that the detailed materials must be further negotiated to ensure an appropriate and high quality scheme. Officers consider this can be resolved via the submission of additional details in terms of samples and request delegated authority to resolve this matter via samples and appropriate conditions.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation:</b></p>
<p>10.1</p>	<p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant conditional planning permission and demolition consent, subject to clarification of the consultation responses from DfI Roads, NIEA, Rivers Agency and Historic Environment Division as well as the submission of sample materials.</p>

<b>11.0</b>	<b>Conditions:</b>
11.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>
	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>Following site clearance works and prior to commencement of the erection of the development hereby approved, a Contaminated Land Risk Assessment shall be submitted in writing to and approved by the Council in accordance with Section 4.2 of the RSK report: 'Oakland Holdings Ltd; Preliminary Risk Assessment; Lands at Queen Street, Belfast' Report Number 602439 - R1 (00), dated March 2019.</p> <p>The Risk Assessment shall follow the methodology outlined in Model Procedures for the Management of Land Contamination (CLR11). This report must incorporate:</p> <ul style="list-style-type: none"> <li>- A detailed site investigation in line with British Standards BS10175:2011+A1:2013.</li> <li>- Any ground gas investigations should be conducted in line with BS8485:2015 and BS8576:2013.</li> <li>- A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in CIRIA C665;</li> </ul> <p>The ground gas characterisation of the development site must be agreed with the Council prior to the development of the Remediation Strategy.</p> <p>Reason: Protection of human health</p>
11.3	<p>In the event that a Contaminated Land Remediation Strategy is required, no commencement of the erection of the development hereby approved shall take place unless a detailed Remediation Strategy has been submitted to and approved in writing by the Council. The detailed Remediation Strategy must outline the measures to be undertaken to ensure that the identified pollutant linkages are demonstrably broken and no longer pose a potential risk to human health. All construction thereafter shall be in accordance with the approved Strategy.</p> <p>Reason: Protection of human health</p>
11.4	<p>The applicant, on completion of the works and prior to the operation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the contaminated land Remediation strategy have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the proposed end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.</p> <p>Reason: Protection of human health</p>
11.5	<p>In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval in writing. This investigation and risk assessment must be undertaken in accordance with current best practice.</p>

11.6	<p>Reason: Protection of human health</p> <p>The combustion plant installed within the proposed development shall meet the technical specification as detailed within the Irwin Carr Consulting: 'Air Quality Impact Assessment; Queen Street Hotel, Belfast' Report no. 002 2019053, dated 1st March 2019. The combustion plant emissions shall be released from a vent or stack in a location and at a height which provides adequate dispersion.</p>
11.7	<p>Reason: In the interests of human health and amenity</p> <p>No works or development shall commence unless a Dust Management Plan has been submitted to and approved in writing by the Council. The Dust Management Plan must be based on the dust risk assessment and recommendations detailed within the Irwin Carr Consulting: 'Air Quality Impact Assessment; Queen Street Hotel, Belfast' Report no. 002 2019053, dated 1st March 2019.</p> <p>All development works thereafter must be in accordance with the approved Dust Management Plan.</p>
11.8	<p>Reason: In the interests of human health and amenity</p> <p>Prior to the operation of the development, proprietary odour abatement technology which ensures a 'high level of odour control' in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018) and Section 3.0 of the Irwin Carr Consulting: 'Odour Impact Assessment; Queen Street Hotel, Belfast' Report no. 001 2019053, dated 1st March 2019, shall be installed to mitigate odour from cooking operations associated with the development.</p> <p>The odour abatement extract point must terminate at least 1m above the roofline of the development. The odour abatement technology shall be retained thereafter.</p> <p>The extraction and ventilation system must be cleaned and maintained in accordance with the manufacturer's instructions to ensure compliance with the above condition.</p>
11.9	<p>Reason: In the interests of amenity.</p> <p>The glazing system installed to the ground floor and first floor window units of the development shall meet the sound reduction index requirements as specified in Table 4: Glazing sound reduction index: Ground and First Floors of the Irwin Carr Consulting report: 'Noise Impact Assessment; Queen Street Hotel, Belfast' Report no. 003 2019053 (dated 1st March 2019). The glazing system must thereafter be retained to this specification.</p>
11.10	<p>Reason: In the interests of residential amenity.</p> <p>The Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both daytime and night time) at the residential apartments when determined in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound.</p>
11.11	<p>Reason: In the interest of residential amenity</p> <p>No commercial deliveries or collections associated with the development shall be made between the hours of 23.00 and 07.00hrs.</p> <p>Reason: In the interests of residential amenity</p>



11.12	<p>The development hereby permitted shall not be commenced unless a Construction Noise Management Plan (CNMP) has been submitted to and approved in writing by the Council. The plan shall consider the management of noise and vibration impacts as a result of demolition, excavation and construction works at the development site. Regard shall be paid to BS: 5228-1:2009+A1:2014 – Code of practice for noise and vibration control on construction and open sites. All construction thereafter must be in accordance with the approved CNMP.</p> <p>Reason: In the interests of amenity</p>
11.13	<p>Following demolition, no construction shall commence unless the Council has received in writing and agreed that suitable risk assessments and supporting data have been provided. These should identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to:</p> <ul style="list-style-type: none"> <li>- Identifying all potential contaminant sources within the planning boundary.</li> <li>- Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – ‘Code of practice for investigation of potentially contaminated land sites’ to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area.</li> <li>- Provision of risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy.</li> </ul> <p>These works are required to ensure that the land will be in a condition suitable for the development.</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.14	<p>Following demolition and prior to construction, development works shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 11.13 has been submitted in writing and agreed by the Council. This should identify all unacceptable risks, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.).</p> <p>Reason: Protection of environmental receptors to ensure that the site is suitable for use.</p>
11.15	<p>No piling work shall commence unless a piling risk assessment has been submitted in writing to and agreed by the Council. Piling risk assessments must 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:  <a href="http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf">http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf</a></p> <p>In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.16	<p>As part of site clearance works all fuel storage tanks and associated infrastructure shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 (GPP2) and Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be</p>

<p>11.17</p> <p>11.18</p> <p>11.19</p>	<p>undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition XXXXX will apply.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works must cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing any remediation works required under Conditions above, and prior to occupation of the development, a verification report must be submitted in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report must present all the remediation and monitoring works undertaken for the relevant phase and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Notwithstanding the submitted details, the following elements of the approved scheme shall not be constructed, installed, implemented or carried out unless in accordance with further details and samples which must be first submitted to and approved in writing by the Council:</p> <ol style="list-style-type: none"> <li>1. Brick (a lighter grey and mottled brick)</li> <li>2. Cladding (of a bronze, copper or red hue)</li> <li>3. Windows</li> <li>4. Rainwater goods</li> <li>5. Roofing materials</li> </ol> <p>The works must be implemented and permanently retained in accordance with the details so approved. A sample of each material shall be retained on site until the project is complete.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p>
<p><b>12.0</b></p>	<p><b>Representations from Elected Representatives</b> (if relevant) N/A</p>
<p><b>13.0</b></p>	<p><b>Referral to Dfl</b> (if relevant) Referral to Dfl will be necessary due to the proposed demolition within the Conservation Area.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	25th February 2019
<b>Date First Advertised</b>	29th March 2019
<b>Date Last Advertised</b>	26th July 2019
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>Warhammer, 13 Wellington Place, Belfast, BT1 6GB  The Men Shack, 15 Wellington Place, Belfast, BT1 6GB  1st Floor,25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  1st Floor,37 Queen Street,Belfast,Antrim,BT1 6EA  25-27 ,Wellington Place,Belfast,Antrim,BT1 6GD  25-27 Lesley House,Wellington Place,Belfast,Antrim,BT1 6GD  2nd Floor,37 Queen Street,Belfast,Antrim,BT1 6EA  2nd-4th Floors,41 Queen Street,Belfast,Antrim,BT1 6EB  35 Queen Street,Belfast,Antrim,BT1 6EA  37 Queen Street,Belfast,Antrim,BT1 6EA  37-39 ,Queen Street,Belfast,Antrim,BT1 6EA  38 Queen Street,Belfast,Antrim,BT1 6EF  3rd Floor Office 3a,37 Queen Street,Belfast,Antrim,BT1 6EA  3rd Floor Office 3b,37 Queen Street,Belfast,Antrim,BT1 6EA  40 Queen Street,Belfast,Antrim,BT1 6EF  41 Queen Street,Belfast,Antrim,BT1 6EB  45 Queen Street,Belfast,Antrim,BT1 6EB  45 Queen Street,Belfast,Antrim,BT1 6EB  47-49 ,Queen Street,Belfast,Antrim,BT1 6EB  49 Queen Street,Belfast,Antrim,BT1 6EB  4th Floor Office 4.1- 37 Queen Street,Belfast,Antrim,BT1 6EA  Cookie Box, Fountain Centre, 2b College Street, BT1 6ET  Utopia, Fountain Centre, 2b College Street, BT1 6ET  Hallmark, Fountain Centre, 2b College Street, BT1 6ET  Cafe Nero, Fountain Centre, 2b College Street, BT1 6ET  GD1, Fountain Centre, 2b College Street, BT1 6ET  Ellisons, Fountain Centre, 2b College Street, BT1 6ET  Fountain Of Beauty, Fountain Centre, 2b College Street, BT1 6ET  Vision Hair, Fountain Centre, 2b College Street, BT1 6ET  City Heel Bar, Fountain Centre, 2b College Street, BT1 6ET  Spacecraft, Fountain Centre, 2b College Street, BT1 6ET  Lizzie Agnew, Fountain Centre, 2b College Street, BT1 6ET  Regatta Great Outdoors, Fountain Centre, 2b College Street, BT1 6ET  Learning Space, Fountain Centre, 2b College Street, BT1 6ET  Lyndon Court,30 Queen Street,Belfast,Antrim,BT1 6EF  Lyndon Court,34 Queen Street,Belfast,Antrim,BT1 6EF  Units 5,6, A-E,Lyndon Court,Queen Street,Belfast,Antrim,BT1 6EF</p>	
<b>Date of Last Neighbour Notification</b>	17th July 2019
<b>Date of EIA Determination</b>	N/A

<b>ES Requested</b>	No
<p><b>Planning History</b></p> <p>Ref ID: LA04/2018/2687/PAN  Proposal: Demolition of existing building and erection of aparthotel.  Address: Lyndon Court, 32-38 Queen Street, Belfast, BT1 6EF.,  Decision: PANACC  Decision Date: 27.11.2019</p> <p>Ref ID: Z/2008/0559/F  Proposal: Demolition of existing building and erection of four-storey mixed-use development comprising retail units at ground floor and office space on upper floors.  Address: Lyndon Court, Queen Street, Belfast, BT1 6BT  Decision: Permission Granted  Decision Date: 20.05.2014</p> <p>Ref ID: Z/2008/0566/DCA  Proposal: Demolition of entire building.  Address: Lyndon Court, Queen Street, Belfast, BT1 6BT.  Decision: Consent Granted  Decision Date: 21.05.2009</p> <p>Ref ID: Z/2010/0385/F  Proposal: Mixed use development 7 storeys high comprising ground floor retail units with office accommodation above. (Amended Proposal)  Address: Lyndon Court, Queen Street, Belfast, BT1 6BT  Decision: Permission Granted  Decision Date: 08.08.2012</p> <p>Ref ID: Z/2010/0387/DCA  Proposal: Demolition of entire existing building.  Address: Lyndon Court, Queen Street, Belfast, BT1 6BT  Decision: Consent Granted  Decision Date: 08.08.2012</p>	