

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19/9/17	
Application ID: LA04/2017/1010/LBC & LA04/2017/1008/F	
Proposal: Demolition of single storey rear extension and partial 2 storey rear extension with internal alterations. Erection of 2 storey rear extension and bin/cycle store. Elevation changes.	Location: 12 Upper Crescent Belfast BT7 1NT
Referral Route: Proposal relates to a listed building consent application and full planning application involving partial demolition	
Recommendation:	REFUSAL
Applicant Name and Address: SLA property Company Limited 7 Upper Malone Road Belfast BT8 7UL	Agent Name and Address: GMR Architects 411a Ormeau Road Belfast BT7 3GP
<p>Executive Summary</p> <p>The proposal is for the ‘demolition of a single storey rear extension and partially 2 storey rear extension with internal alterations, the erection of 2 storey rear extension and bin/cycle store and elevation changes’. There is a full planning application (LA04/2017/1008/F) and a listed building consent application (LA04/2017/1010/LBC).</p> <p>The current applications were submitted to regularise unauthorised works over and above what was previously approved by the Council in 2015.</p> <p>The main issue to be considered is:</p> <ul style="list-style-type: none"> • Impact of proposed alterations on the listed building. <p>These works are considered contrary to Policy BH8 of PPS6 in that the works do not make use of traditional or sympathetic building materials and techniques which match and are in keeping with those found on the building (criteria (b) of BH8).</p> <p>It is considered, the proposed works would cause unnecessary damage to the historic structure. In relation to the structure, ‘all proposals for alteration should be based on a proper understanding of the structure of the listed building, because it is vitally important that new works do not weaken the structural integrity of the building’.</p> <p>The proposal is likely to be detrimental to the ongoing upkeep of the building.</p>	

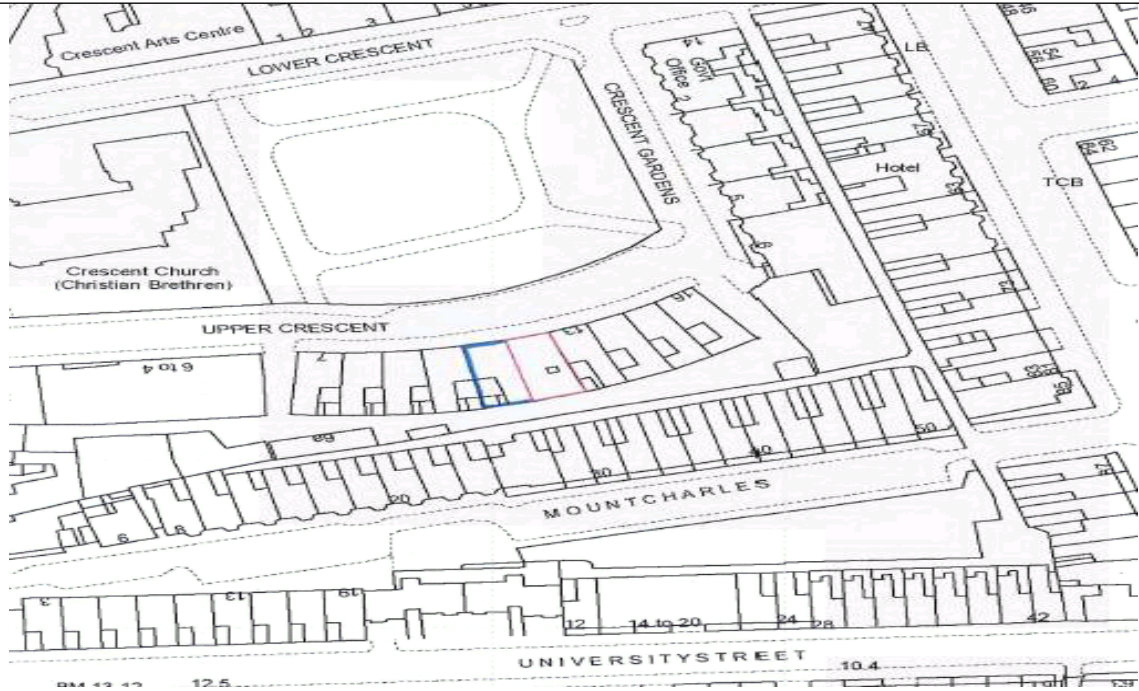
Consultees: Historic Environment Division recommend Refusal.

The proposal has been assessed against the SPPS and PPS 6 and it is recommended that the applications are refused.

Signatures:

Case Officer Report

Site Location Plan



1.0 Characteristics of the Site and Area

1.1 The application site is located within the urban area of Belfast. There is a listed 3 storey period building located on the site. The application site is part of a terraced block, all of which is listed. The subject building is a grade B1 listed building (ref. HB26/27/028F).

1.2 The surrounding area is characterised by commercial, community and educational uses in an eclectic range of Victorian and Georgian architecture. The site faces on to Crescent Gardens, a local landscape policy area as designated in draft BMAP 2015. The site is also located within Queens Conservation Area and Queen's office area.

2.0 Description of Proposal

2.1 The proposal is for the 'demolition of a single storey rear extension and partial 2 storey rear extension with internal alterations, the erection of 2 storey rear extension and bin/cycle store and elevation changes'. There is a full planning application (LA04/2017/1008/F) and a listed building consent application (LA04/2017/1010/LBC) submitted for the proposal. A schedule of works has been submitted detailing the proposed internal works to all rooms within the building.

3.0 Planning Assessment of Policy and Other Material Considerations

3.1 Site History –
 LA04/2015/0657/LBC - Demolition of a single storey flat roof rear extension and minor internal ground first and second floor alterations
 LA04/2015/0659/F - Demolition of single storey flat roof rear extension, minor internal ground, first and second floor alterations

3.2	<p>Both applications were approved by Belfast City Council on 8th December 2015. The current applications were submitted to regularise unauthorised works over and above what was previously approved by the Council in 2015. The unauthorised works relate specifically to repairs undertaken on the ceilings, walls and floors of the building. <i>Belfast City Council also has an ongoing enforcement investigation into the unauthorised works.</i></p>
3.3	<p><u>Policy Framework –</u> Belfast Urban Area Plan 2001 (BUAP) Belfast Metropolitan Area Plan 2015 (BMAP) Strategic Planning Policy Statement (SPPS) PPS 6 Planning, Archaeology and the Built Heritage</p>
3.4	<p>The proposal requires listed building consent as it involves works to a listed building. The subject building, 12 Upper Crescent is a grade B1 Listed Building (ref. HB26/27/028F). A design and access statement has been provided in accordance with the Planning Act (NI) 2011 and the Planning (Listed Buildings) Regulations (NI) 2015.</p>
3.5	<p>The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
3.6	<p>Policy C4 of BUAP relates to 'Buildings of special architectural and historic interest'. The application site is not zoned within the draft BMAP, however it is located within Queen's Office area. The proposal does not relate to the use of the building therefore policy OF 5 of draft BMAP is not offended. The proposal does not offend any policy within either plan.</p>
3.7	<p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS aims to secure the protection, conservation and enhancement of our built heritage and promotes sustainable development and environmental stewardship with regard to our built heritage. Para 6.13 states that development involving works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. The SPPS goes on to state that proposals should be based on a clear understanding of the importance of the building, and should support the best possible use that is compatible with the fabric, setting and character of the building. Applicants should justify proposals and show why alteration is desirable or necessary.</p>
3.8	<p>It is acknowledged that the SPPS does not specifically refer to building materials or techniques in relation to extensions or alterations of a listed building. Para 1.12 states that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies, this should not be judged to lessen the weight to be afforded to</p>

	the retained policy.
3.9	<p>The proposal must satisfy the tests of policies BH8 of PPS 6 in relation to extension / alteration of a listed building. The Council consulted with Historic Environment Division on two occasions regarding the proposed works. On 13th June 2017 and 2nd August 2017, HED Historic Buildings considered that the proposal fails to satisfy the tests of policy BH8 of PPS 6.</p>
	<p><u>Lath & Lime Plaster</u></p>
3.10	<p>HED have concerns that unauthorised works took place at the property and further works, which require listed building consent, are required to rectify the situation. HED had visited the building prior to the unauthorised works and noted that the building was in a fair condition. HED aims to ensure the reinstatement / reproduction of the historic fabric which has been removed without consent, e.g. lath and lime plaster.</p>
3.11	<p>HED advises that if evidence is supplied that lath and lime plaster was not present prior to the unauthorised works, they cannot insist of betterment. Photographs have been supplied to attempt to justify the schedule of works. HED considers the photographs do not provide sufficient evidence as they do not show the build-up of materials used in the construction.</p>
3.12	<p>There is evidence that lath and plaster ceilings existed in the property prior to works, from both the Schedule of works and previous HED photos of the property. The proposal indicates that no lath and plaster ceilings will be reinstated. During an office meeting at which the applicant and agent were present, Building Control confirmed they are content with lath and plaster ceilings with appropriate upgrades for fire resistance.</p>
	<p><u>Dry Lining & Tanking</u></p>
3.13	<p>HED considers that the existing dry lining and tanking system is not an acceptable solution to the damp problems affecting the building. These works have been undertaken without consent, therefore historic fabric of the building was removed without consent. Building Control have advised that the proposed membrane on the inner face of the external walls does not constitute a contravention of building regulations, however they do advise that it is not the optimum construction method with regard to ensuring the longevity of the joists that are built into the external walls. HED note that the longevity and retention of existing historic fabric of listed buildings is fundamental to their role in protecting listed buildings. HED advise that dry lining of historic buildings is not recommended according to the latest research.</p>
3.14	<p>In response, the agent provided a report detailing the reasons for using waterproof membrane and dry lining techniques on the external walls. The agent supplied evidence of listed building consents where HED have previously approved Planton 2 waterproof membrane. HED commented that a number of the buildings were churches and due to ecclesiastical exemption, they have no control over internal alterations. Other buildings referred to are either unlisted, of different construction and / or with a different case history. Remaining buildings on the list are not of the same construction and were not in a similar condition prior to works as No. 12 Upper Crescent. It is apparent that there is a difference of opinion between the agent and HED. HED is the council's statutory consultee on these matters and they recommend refusal on the basis of proposals and supporting evidence provided.</p>

3.15	<p><u>Neighbour Notification</u> 8 neighbours were notified in relation to LA04/2017/1008/F. No representations were received.</p>
4.0	<p>Neighbour Notification Checked: Yes</p>
5.0	<p>Summary of Recommendation:</p> <p>5.1 Unauthorised works have taken place to the listed building at No. 12 Upper Crescent. Following consultation with HED, these works are contrary to Policy BH8 of PPS6 in that the works do not make use of traditional or sympathetic building materials and techniques which match and are in keeping with those found on the building (criteria (b) of BH8).</p> <p>5.2 Para 6.11 of PPS 6 states that the Planning Authority will consider whether the proposed works would cause unnecessary damage to the historic structure. Furthermore, Para 6.12 states that the spatial layout of the building, archaeological or technological interest of the surviving structure and the use of materials can contribute to the special interest of the listed building. In relation to the structure, 'all proposals for alteration should be based on a proper understanding of the structure of the listed building, because it is vitally important that new works does not weaken the structural integrity of the building'.</p> <p>5.3 In relation to the SPPS, it is acknowledged that the proposal will secure the ongoing viability of the building, however the proposal is likely to be detrimental to the ongoing upkeep of the building.</p> <p>5.4 The agent has attempted to provide justification for the unauthorised works, however HED contends that the works are not justified.</p> <p>5.5 The proposal does not comply with the SPPS nor does it pass the tests of criteria (b) of Policy BH8 of PPS 6, therefore refusal is recommended.</p>
6.0	<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, Policy BH8 in that the proposed works do not make use of traditional or sympathetic building materials and techniques which match and are in keeping with those found on the building. 2. The proposal is contrary to the Strategic Planning Policy Statement in that the proposed works are likely to be detrimental to the ongoing upkeep of the listed building.

ANNEX	
Date Valid	16th May 2017
Date First Advertised	2nd June 2017
Date Last Advertised	
<p>Details of Neighbour Notification (LA04/2017/1008/F) The Owner/Occupier, 02, 16B Mount Charles, Malone Lower, Belfast, Antrim, BT7 1NZ, The Owner/Occupier, 1, 13 Upper Crescent, Malone Lower, Belfast, Antrim, BT7 1NT, The Owner/Occupier, 13 Upper Crescent, Malone Lower, Belfast, Antrim, BT7 1NT, The Owner/Occupier, 13 Upper Crescent, Malone Lower, Belfast, Antrim, BT7 1NT, The Owner/Occupier, 2, 13 Upper Crescent, Malone Lower, Belfast, Antrim, BT7 1NT, The Owner/Occupier, 26-30, Mount Charles, Malone Lower, Belfast, Antrim, BT7 1NZ, The Owner/Occupier, 28 Mount Charles, Malone Lower, Belfast, Antrim, BT7 1NZ, The Owner/Occupier, 30 Mount Charles, Malone Lower, Belfast, Antrim, BT7 1NZ,</p>	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
<p>Summary of Consultee Responses HED Historic Buildings considers the proposal fails to satisfy Policy BH8 – Extension or alteration of a listed building.</p>	
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>	
<p>Representations from Elected Members:</p> <p>Councillor Declan Boyle – support for applications</p>	