

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th March 2018	
Application ID: LA04/2017/2081/LBC	
Proposal: Partial demolition of boundary wall and associated works including repair and redecoration of railings and resurfacing around the church	Location: First Presbyterian Church 41 Rosemary Street Belfast BT1 1QB
Referral Route: Associated with major planning application LA04/2017/2126/F (Former Royal Exchange Scheme Phase 1B) and recommendation contrary to statutory consultee advice.	
Recommendation:	Grant Consent subject to condition
Applicant Name and Address: PG Ltd. 49 Berkeley Square London W1J5AZ	Agent Name and Address: Savills Embassy House Queens Avenue Bristol BS8 1SB
<p>Executive Summary: A pre-determination hearing was held on 13th February 2018. At the hearing officers presented details of the scheme in its context and provided an overview of the proposal. Committee received representations from Save CQ, Ulster Architectural Heritage Society and the First Presbyterian Church in objection to the application and from Savills and Consarc on behalf of the applicant in support of the application. The issues raised at the hearing have been considered in the assessment of this application.</p> <p>Members agreed at the pre-determination hearing to defer consideration of the application for a site visit which took place on 21st February 2018. Members viewed the site and the boundary wall of the listed First Presbyterian Church.</p> <p>Listed Building Consent is sought for the partial demolition of boundary wall and associated works including repair and redecoration of railings and resurfacing around the church.</p> <p>The church, including the attached railings, is a listed building under reference HB26/50/054. The attached boundary wall is protected under this listing. There are additional listed buildings along Rosemary Street and surrounding streets. The site is located within Belfast City Centre Primary Retail Core and falls within Belfast City Centre Conservation Area.</p> <p>Six objections have been regarding this proposal. Issues raised specifically in relation to the listed building consent proposal are set out as follows:</p> <ul style="list-style-type: none"> • Proposal contrary to SPPS and PPS 6 and North East Quarter Masterplan • Listed Building Consents must involve a complete review measured review against PPS 6 and the SPPS with specific regard to the impact on each building and the context of Phase 1B • The proposal for Phase 1B will have an adverse and cumulative impact on important listed 	

buildings.

- The proposals would not serve to enhance and would significantly harm the character of the conservation area.
- The amended drawings do not appear to address concerns raised
- The boundary wall is listed as part of the curtilage of the First Presbyterian Church, and is therefore protected by legislation. The wall is important in maintaining the integrity of the church context and its partial demolition and the associated resurfacing around the church are contrary to the SPPS and PPS 6.
- Piecemeal applications to alter important listed buildings
- No listed building consent application to consider the affecting on setting of the Rosemary Street Presbyterian Church
- Advice of statutory consultee ignored
- Block 06 (mixed use block) damaging impact on First Presbyterian Church
- First Presbyterian Church requirements for parking for the elderly and disabled, appropriate Boundary treatments/defensible space, transition arrangements for vehicle access and parking, security/lighting
- No agreement between FPC and developer in place for scheme to be delivered/Lack of communication from the developers
- Creation of pseudo public spaces not in public ownership – people’s right to use will be restricted.
- Recommend Development Management Practice Note 2 ‘ Historic Environment’ be reviewed by staff/members
- Application significantly departs from extant approval
- Loss of historic street and public right of way reduces permeability
- Contrary to Designation CC009 in BMAP and historic building policies – enhancement to conservation area queried

The key issues to be considered are:

- The principle of demolition/development
- Impact on the Conservation Area
- Impact on the listed building and setting of listed buildings

Planning permission was previously granted for a comprehensive development scheme (Ref: Z/2010/1532/F & LA04/2016/2327/F) which included removal of the wall around the listed church. The previous permissions established the principle of demolition of the wall.

Recommendation

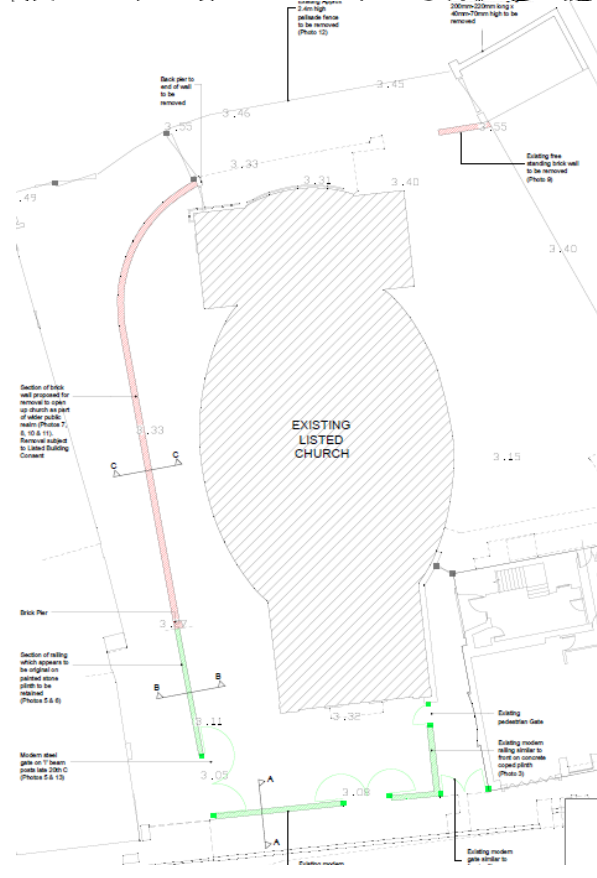
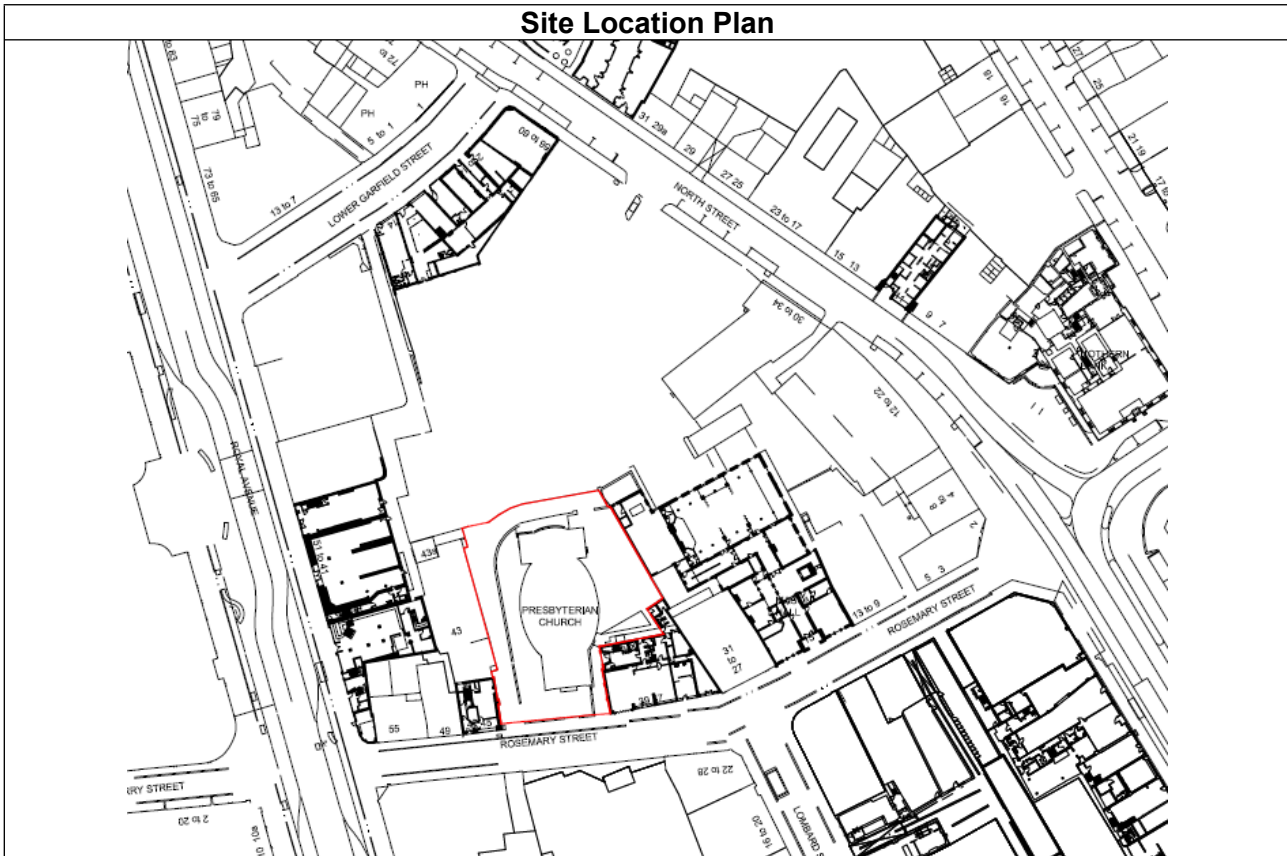
Having regard to the policy context and other material considerations, the proposal is considered acceptable. It is recommended that consent be granted subject to condition and that the consent be linked to the proposals for Phase 1B (Ref: LA04/2017/2126/F) through a Section 76 Agreement

It is requested that authority is delegated to the Senior Authorised Planning Officer, in consultation with the City Solicitor, to negotiate the terms of the Agreement and to determine the final wording of conditions.

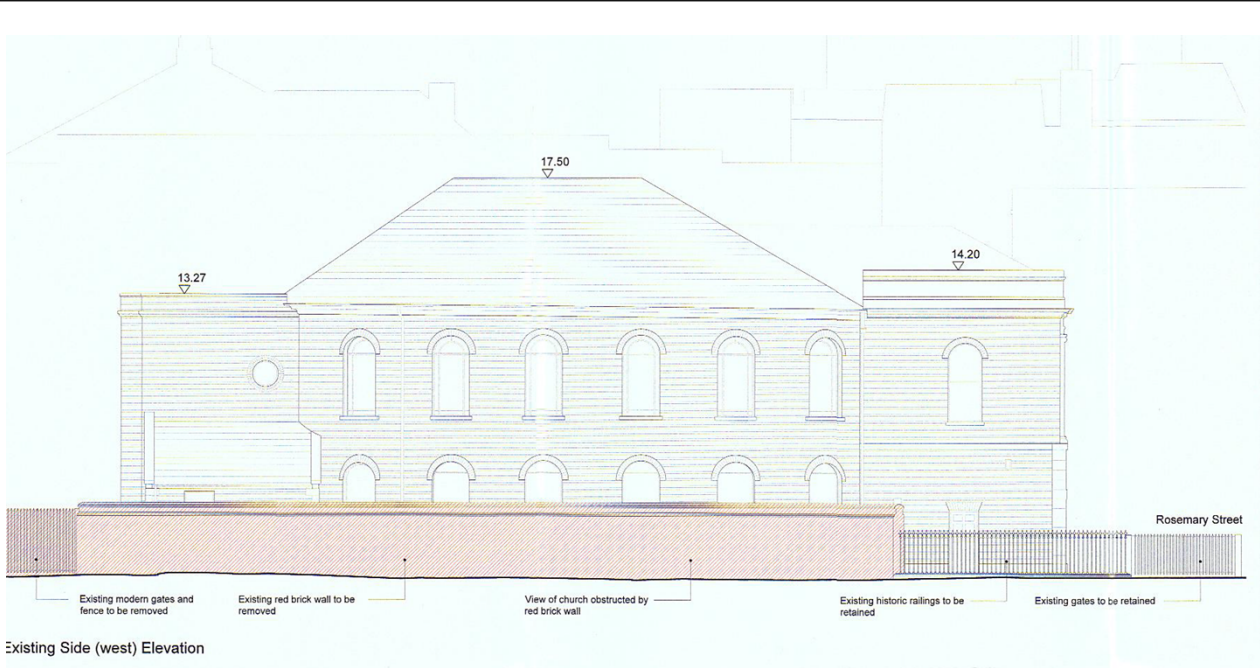
If members are minded to approve the application, the Council will be required to notify DFI given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.

Case Officer Report

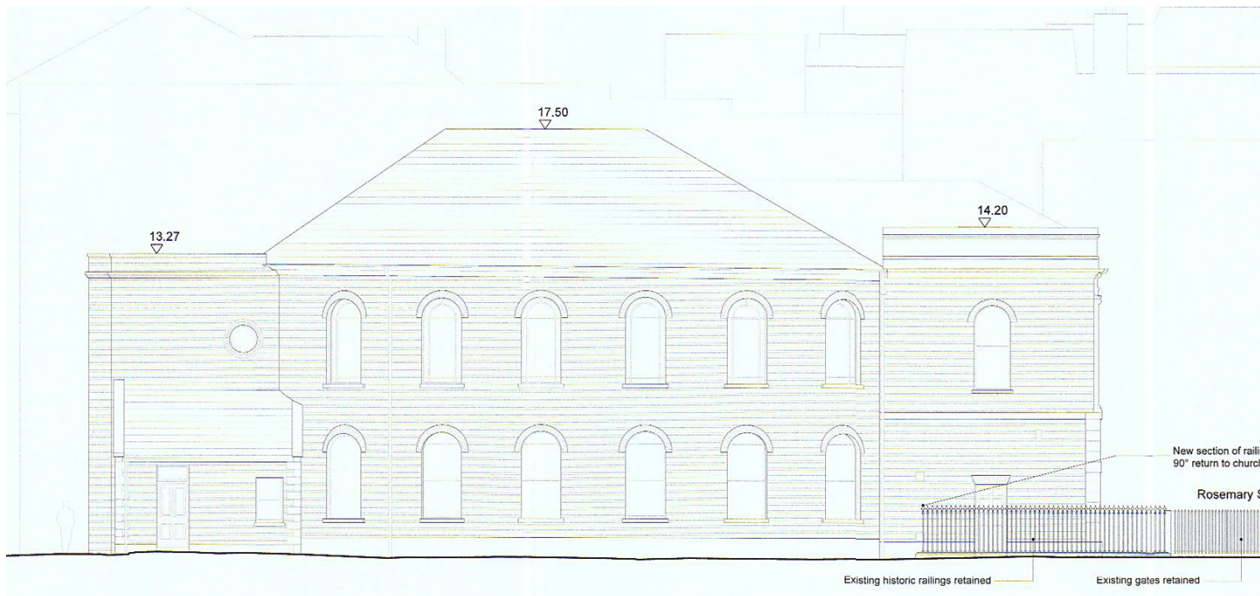
Site Location Plan



Existing Elevation



Proposed Elevation



Representations:	
Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
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Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development The proposal is for the partial demolition of boundary wall and associated works including repair and redecoration of railings and resurfacing around the church.</p>
2.0	<p>Description of Site The site, identified as No. 41 Rosemary Street, Belfast, is linked to planning application reference LA04/2017/2126/F. It comprises the curtilage and building of the First Presbyterian Church.</p> <p>The central body of the church is oval in shape with round-headed windows to the ground and first floors and is finished with red brick. To the rear is a three-bay extension with a similar red brick finish and to the front (facing Rosemary Street) is a two storey extension with a raised open parapet surrounding the hipped roof. The front elevation has round-headed openings to the ground floor and rectangular openings to the first floor. It is finished with masonry blocks to the ground floor and painted render to the first floor with detailing that includes decorative protrusions to give the appearance of flat columns.</p> <p>The church, including the attached railings, is a listed building under reference HB26/50/054. The attached boundary wall is protected under this listing. There are additional listed buildings along Rosemary Street and surrounding streets.</p> <p>The site is located within Belfast City Centre Primary Retail Core and falls within Belfast City Centre Conservation Area.</p>

Planning Assessment of Policy and other Material Considerations	
3.0	<p>Planning History Z/2010/1532/F - Demolition, redevelopment and part change of use of existing buildings to create mixed use development comprising retail, offices, café/bar use, 2no. retail pavilions, 205 apartments including 6 no. live/work units, with associated energy centre, service areas and above ground car parking, cultural/arts centre, hotel, 2-level basement car park and associated access and circulation, creation of new streets and public spaces, reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. Application also comprises works to restore, alter and extend listed buildings and facades and partial demolition of North Street Arcade retaining its facades, partial reconstruction of end blocks and reconstruction of rotunda on original location. Proposed development at lands bounded by nos. 31-101 Royal Avenue, Church Street, William Street, Writers Square Nos 40 to 16 Donegall Street, No.2 waring Street, 1-21 Bridge Street, Nos 2-18 High Street, Nos1-27 Lombard Street, Nos 33 to 55 Rosemary Street and including North Street and Nos 2-14 Lower Garfield Street. Permission granted 11 October 2012.</p> <p>LA04/2016/2327/F - Application to Vary conditions 2-4 (demolition and construction), 6, 8-13 (traffic and parking), 14-18 (contaminated land), 21-22, 25, 27, 29 (landscaping), 30-31 (archaeology) and 33 (environmental designations) of planning permission Z/2010/1532/F for the demolition, redevelopment and part change of use of existing buildings to create mixed use development known as Royal Exchange, comprising retail, offices, café/bar use, apartments, car parking, cultural/arts centre, hotel and associated access and circulation and public realm works, including restoration,</p>

	<p>alteration and extension of listed buildings. Lands bounded by Nos. 31-101 Royal avenue, Church Street, William Street, Writers Square, Nos. 40 to 16 Donegall Street, No. 2 Waring Street, 1-21 Bridge Street, Nos. 2-18 High Street, Nos 1-27 Lombard Street and Nos. 2-14 Lower Garfield Street, Belfast. Permission granted 23 Jan 2017.</p> <p>LA04/2017/2126/F - Redevelopment including the construction of a new six storey building on the existing surface level car park and part change of use to create a mixed use development comprising retail units, restaurants and cafes, residential units, offices, church and related community floor space, new streets and public realm works. Demolition of 53 Royal Avenue and 27-31 Rosemary Street and restoration of Central Halls (37-39 Rosemary Street), Masonic Hall (15 Rosemary Street), 43/43a Rosemary Street and retention of 30-34 North Street (Amended plans and further information received). Decision Pending.</p> <p>LA04/2017/2341/O - Application for outline planning permission for demolition, redevelopment to create a mixed use development comprising retail, offices, café/restaurant uses, residential apartments, including private rented sector units, hotel use, community uses, car parking, associated access, servicing and circulation arrangements, an energy centre, the creation of new streets, the reconfiguration of Writers Square, public realm works, landscaping and associated site and road works. The application also proposes works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades. Details of proposed access arrangements are also provided, Land Bounded by Royal Avenue, York Street and Church Street to the North, Royal Avenue to the west Rosemary Street and High Street to the south and Donegall Street to the east. The site is located approximately 300m west of Laganside Bus Station 300m northeast of city hall and 900m northwest of Central Train Station. A triangle of land bounded by Royal Avenue Lower Garfield Street and North Street lies outside the application site boundary. Application under consideration.</p> <p>LA04/2017/2339/LBC - Partial demolition of the boundary wall and associated works including repair and redecoration of railings and resurfacing around the church, First Presbyterian Church, 41 Rosemary Street, Belfast, BT1 1QB. Application under consideration.</p>
4.0	Policy Framework
4.1	<p>Regional Development Strategy (RDS) 2035</p> <p>Belfast Urban Area Plan (BUAP) 2001</p> <p>Draft Belfast Metropolitan Area Plan (dBMAP) 2015</p>
4.2	<p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <ul style="list-style-type: none"> • Listed Buildings Paras. 6.12 – 6.13 • Conservation Areas Paras. 6.18 – 6.19 <p>Planning Policy Statement 6 (PPS 6): Planning, Archaeology and the Built Heritage</p> <ul style="list-style-type: none"> • Policy BH 8: Extension or Alteration of a Listed Building • Policy BH 10: Demolition of a Listed Building • Policy BH 11: Development affecting the Setting of a Listed Building
5.0	Assessment
5.1	<p>Statutory Consultees Responses</p> <ul style="list-style-type: none"> • Historic Environment Division (HED) – Objection

5.2	<p>Non Statutory Consultees Responses</p> <ul style="list-style-type: none"> • Council's Conservation Officer – No objection
5.3	<p>Representations</p> <p>The application has been advertised in the local press. Six objections have been received. The issues raised in respect of the listed building consent proposals including removal of the wall are set out below:</p> <ul style="list-style-type: none"> • Proposal contrary to SPPS and PPS 6 and North East Quarter Masterplan. • LBCs must involve a complete review measured review against PPS 6 and the SPPS with specific regard to the impact on each building and the context of Phase 1B • The proposal for Phase 1B will have an adverse and cumulative impact on important listed buildings. • The proposals would not serve to enhance and would significantly harm the character of the conservation area. • The amended drawings do not appear to address concerns raised • The boundary wall is listed as part of the curtilage of the First Presbyterian Church, and is therefore protected by legislation. The wall is important in maintaining the integrity of the church context and its partial demolition and the associated resurfacing around the church are contrary to the SPPS and PPS 6. • Piecemeal applications to alter important listed buildings • No listed building consent application to consider the effect on setting of the Rosemary Street Presbyterian Church • Advice of statutory consultee ignored • Block 06 (mixed use block) damaging impact on First Presbyterian Church • First Presbyterian Church requirements for parking for the elderly and disabled, appropriate boundary treatments/defensible space, transition arrangements for vehicle access and parking, security/lighting • No agreement between FPC and developer in place for scheme to be delivered/Lack of communication from the developers • Creation of pseudo public spaces not in public ownership – people's right to use will be restricted. • Recommend Development Management Practice Note 2 'Historic Environment' be reviewed by staff/members • Application significantly departs from extant approval • Loss of historic street and public right of way reduces permeability • Contrary to Designation CC009 in BMAP and historic building policies – enhancement to conservation area queried <p>All issues raised in the objections have been considered in the assessment of the proposal.</p>
5.4	<p>Other Material Considerations</p> <ul style="list-style-type: none"> • Belfast City Centre Conservation Area Guide • Development Management Practice Note 5 – Historic Environment
5.5	<p>HED Consideration</p> <p>HED has been consulted and has advised that it is content with the proposed removal of the palisade fence to the rear of the church, but that it considers the removal of the red brick wall as contrary to policy. HED has suggested that the historic setting of the listed building is a church set within a confined and bounded space and that the church was not</p>

5.6	<p>designed to be viewed in the round and set within an open space. HED add that it considers the overzealous sanitising of the setting of the church is of no real benefit to the historic asset and that the intention to form an open space around the church is not a satisfactory justification for the removal of the wall. It concludes that the removal of the wall will result in a substantial loss of the historic fabric.</p> <p>Conservation Area Consideration The Council's Conservation Officer has been consulted and has offered no objection to the proposal.</p>
5.7	<p>Principle of Demolition The principal for demolition of the boundary wall to the side of the church has been established by the approval granted under planning application Z/2010/1532/F and LA04/2016/2327/F.</p> <p>Phase 1A of the consented scheme has commenced which in effect means that the planning permission for the consented scheme remains live and therefore the consented scheme could theoretically be developed in phases.</p> <p>The consented scheme was not accompanied by a listed building consent for the removal of the wall. HED consultation response in respect of the consented scheme (Z/2010/1532/F) objected to the overall development but did not specifically comment on the removal of the wall around the First Presbyterian Church. The Department of the Environment's case officer report for the consented scheme acknowledged the wall but did not however raise an issue regarding its removal.</p> <p>It is evident from the consented scheme stamped approved drawings that the wall was proposed to be removed and its removal was granted permission. The design and access statement for the consented scheme states that the intention was to remove the wall <i>'to allow the paving to extend right up to the church and create a notional boundary by the use of seating and tree planting'</i> and this is demonstrated in the stamped approved drawings which show the wall removed and trees proposed at intervals along the line of the boundary wall.</p>
5.8	<p>Impact on the Conservation Area, Listed Building and Listed Building Setting No works are proposed to the church building which will be retained as an important landmark building along Rosemary Street. The proposed wall for demolition is a later addition to the church. Its demolition will not impact the essential character of the building or its setting. Contrary to the opinions of objectors and HED which view the wall as important in maintaining the integrity of the church, it is considered that the wall restricts views of the central body of the church and helps to marginalise the building within the wider setting of the Conservation Area. The wall makes no material contribution to the character or appearance of the area and its demolition will not impact on the building or its features of special interest which are considered to be the curved transept and railings to the front.</p> <p>The removal of the wall, the associated works for repair and redecoration of railings and resurfacing including an in ground denotation to reflect the former location of the wall will enhance the setting of the church. The works will integrate the building into the wider context of the Conservation Area and a new public realm space surrounding the church. The materials used to create the new public realm space will be appropriate to the heritage setting of the church and other nearby listed buildings and it is not considered that the proposal will have a negative impact on the broader locality. Rather it is considered that the proposal will provide enhancement and be of benefit to the Conservation Area and the listed building setting. The removal of the wall will open up</p>

<p>5.8</p>	<p>the area around the church providing the opportunity to significantly improve connectivity and pedestrian linkages in the area which is in accordance with the Belfast City Centre Conservation Area Guide and the North East Quarter Masterplan.</p> <p>It is considered that the extant permission outweighs HED concerns and is determining in this matter and on balance the removal of the wall is considered acceptable</p> <p>The Council’s Conservation Officer has been consulted and has offered no objection to the proposal.</p> <p>Other Issues</p> <p>This listed building consent application has been submitted in association with the full application for proposals for Phase 1B of the Former Royal Exchange site.</p> <p>The impact of the proposed new mixed use block on the setting of the First Presbyterian Church has been appropriately assessed under the planning application for the wider scheme (Ref: LA04/2017/2126/F) which also considers the requirement for a listed building consent to assess development affecting the setting of the Church.</p> <p>Concerns were raised regarding the ongoing requirements of the First Presbyterian Church in terms of access and parking arrangements, security, boundary treatments and defensible space. Limited parking can be achieved to the front of the church which will be enclosed by gates/railings. Two existing vehicular access points are available. Appropriate lighting will increase security particularly to the rear of the church where the physical boundary will be removed to create a new area of public realm and open up the area into a new public space/street. Final street lighting details and management of the public realm are to be secured through recommended conditions. Representatives from FPC indicated that no agreement had been reached with the developer. Discussions have since taken place between the Church and the developer in an effort to resolve the issues raised. Agreement is required prior to commencement of the development in order to implement proposals associated with the First Presbyterian Church and negotiations are ongoing. However, the absence of agreement between the parties does not preclude consideration of the proposal or prevent recommendation of the application.</p> <p>Objections raised concerns that the proposals were contrary to the North East Quarter Masterplan (2005) produced by the former Department for Social Development (DSD). Whilst this masterplan is a material consideration which has been taken into account in the assessment of this proposal it is not a statutory plan and does not therefore have significant weight in the determination of this application. In weighing up all the material considerations relevant to this application the extant permission is considered to be determining.</p> <p>Review of the ‘Development Management Practice Note 5 – Historic Environment’ produced by DFI was recommended in objections. This guide which provides advice and deals primarily with procedures as well as good practice associated with proposals affecting listed buildings, conservations area and other designations relating to the historic environment. This application has been assessed in compliance with this Practice Note.</p>
<p>6.0</p>	<p>Having regard to the policy context and other considerations above, the proposal is considered acceptable. It is deemed to comply with the development plan context and relevant planning policy and it is recommended that consent be granted subject to conditions and a Section 76 agreement.</p> <p>It is requested that authority is delegated to the Senior Authorised Planning Officer, in consultation with the City Solicitor, to negotiate the terms of the Agreement and to</p>

	determine the final wording of conditions.
7.0	Summary of Recommendation: Grant Consent subject to condition
8.0	<p>Condition</p> <p>1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011</p>
9.0	<p>Notification to Department (if relevant)</p> <p>If members are minded to approve the application, the Council will be required to notify DFI given the significant objection from HED in accordance with Section 89 of the Planning Act (Northern Ireland) 2011.</p>
10.0	<p>Representations from Elected members:</p> <p>None</p>

ANNEX	
Date Valid	12th September 2017
Date First Advertised	22th September 2017
Details of Neighbour Notification (all addresses) Not applicable	
Date of Last Neighbour Notification	Not applicable
Drawing Numbers: 01, 02A, 03A, 04, 05, 06, 07, 08, 09, 11, 12A, 14, 15.	