

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 21<sup>st</sup> January 2020</b>	
<b>Application ID:</b> LA04/2017/2343/DCA	
<b>Proposal:</b> Demolition of buildings	<b>Location:</b> Temple Court, St Anne's Cathedral Precinct & St Anne's Court 39-65 North Street Belfast
<b>Referral Route: Full demolition of buildings in the Conservation Area and associated with Major application LA04/2017/2341/O</b>	
<b>Recommendation:</b>	<b>Grant consent subject to condition.</b>
<b>Applicant Name and Address:</b> PG Ltd 49 Berkeley Square London W1J5AZ	<b>Agent Name and Address:</b> Savills Embassy House Queens Avenue Bristol BS8 1SB
<p><b>Executive Summary:</b> Conservation Area Consent is sought for the full demolition of the following non-listed building which is located within the Cathedral Conservation Area.</p> <ul style="list-style-type: none"> <li>• Temple Court, St Anne's Cathedral Precinct &amp; St Anne's Court, Nos. 39-65 North Street</li> </ul> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>• The principle of demolition including the planning history</li> <li>• Impact on the character and appearance of the Conservation Area</li> </ul> <p>Planning permission was previously granted for a wider redevelopment scheme (Z/2010/1532/F &amp; LA04/2016/2327/F) which included demolition of these buildings. Conservation Area Consent was also granted for the demolition of these buildings. The previous permissions established the principle of demolition of these buildings.</p> <p>The current proposal has been assessed against the Development Plan and relevant planning policy. Proposals for redevelopment of the application site have been assessed in the associated application LA04/2017/2341/O and are considered acceptable.</p> <p>One representation has been received regarding this application and raises concerns regarding notification of the proposed development and notification to vacate the property. Objections have been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric across the scheme.</p> <p>The Conservation Officer has no objections.</p> <p><u>Recommendation</u> Having regard to relevant material considerations, including the previous permissions, it is recommended that Conservation Area Consent is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>	

If Members are minded to approve the application, the Council will be required to notify DFI under Sections 105(6) of the Planning Act (Northern Ireland) 2011.

## Case Officer Report

### 1.0 Site Location Plan



### 2.0 Background


2.1 This application was received in October 2017 in association with application LA04/2017/2341/O which seeks outline planning permission for redevelopment of the wider area. The application for outline permission is being considered at the same Planning Committee meeting.

### 3.0 Description of Development

3.1 The application proposes full demolition of the following non-listed building which is located within the Cathedral Conservation Area:

- Temple Court, St Anne's Cathedral Precinct & St Anne's Court, Nos. 39-65 North Street

3.2 The building to be demolished is shown below:

	 <p data-bbox="296 521 874 555"><b>39-65 NORTH STREET (TEMPLE COURT)</b></p>	
<p data-bbox="165 562 212 589"><b>4.0</b></p>	<p data-bbox="280 562 544 589"><b>Description of Site</b></p>	
<p data-bbox="165 853 212 880"><b>4.1</b></p>	<p data-bbox="280 853 1453 880">The building is located along North Street and backs onto Writer’s Square and is adjacent to the Listed North Street Arcade on North Street. The building is a late 20<sup>th</sup> Century building comprising a 3-4 storey building, part of which is set back at an angle on North Street. The building incorporates a thoroughfare to Writer’s Square from North Street.</p>	
<p data-bbox="165 853 212 880"><b>5.0</b></p>	<p data-bbox="280 853 1209 880"><b>Planning Assessment of Policy and Other Material Considerations</b></p>	
<p data-bbox="165 898 212 925"><b>5.1</b></p>	<p data-bbox="280 898 517 925"><b>Planning History</b></p>	
<p data-bbox="165 936 236 963"><b>5.1.1</b></p>	<p data-bbox="280 936 1190 963">The planning history of the site is an important material consideration.</p>	
<p data-bbox="165 974 236 1001"><b>5.1.2</b></p>	<p data-bbox="280 974 1465 1115">The former Department for the Environment (DoE) granted planning permission on 11 October 2012 (Ref: Z/2010/1532/F) for a comprehensive redevelopment scheme known as ‘Royal Exchange’ extending from Lower Garfield Street to Rosemary Street and from Royal Avenue to Donegall Street incorporating the current application site.</p>	
<p data-bbox="165 1115 236 1142"><b>5.1.3</b></p>	<p data-bbox="280 1115 1465 1496">The development description included: <i>‘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’.</i></p>	
<p data-bbox="165 1496 236 1523"><b>5.1.4</b></p>	<p data-bbox="280 1496 1465 1765">In January 2017, the Department for Infrastructure (DfI) approved an application to vary the original Z/2010/1532/F permission to allow for phasing of the development (Ref: LA04/2016/2327/F). This created a standalone permission enabling the approved development to be constructed on a phased basis. A number of associated applications to vary Listed Building Consents and Conservation Area Consents (Z/2010/1494/DCA and LA04/2016/1625/DCA) were also approved including a Conservation Area Consent for demolition of the same building.</p>	
<p data-bbox="165 1765 236 1792"><b>5.1.5</b></p>	<p data-bbox="280 1765 1465 1899">For clarity, the development approved under application reference Z/2012/1532/F and the subsequent related approval LA04/2016/2327/F is hereafter referred to as the ‘extant scheme’. Details of relevant planning history are set out at <b>Appendix 1</b>.</p>	
<p data-bbox="165 1899 236 1926"><b>5.1.6</b></p>	<p data-bbox="280 1899 1465 2036">The first phase of the extant scheme referred to as Phase 1A has commenced and includes the restoration of the former Garfield Bar Building (2-14 Lower Garfield Street) to create 5 café/restaurant units at ground floor, three of which extend to the first floor and 5 apartments at second floor level.</p>	

<b>5.1.7</b>	As the first phase has commenced this means that the planning permission for the extant scheme remains live and therefore is implementable and in a phased manner. There is also the potential for the approved phasing arrangements to be further amended through the submission of another application to vary the conditions.
<b>5.1.8</b>	Significant weight is therefore given to the extant scheme/planning history. It is an important material consideration relevant to the assessment of the current application given that the extant scheme can be implemented with potential for further variation of phasing arrangements. It is therefore a fall-back for the applicant if permission is refused.
<b>5.2</b>	<b>Policy Framework</b>
<b>5.2.1</b>	<u>Regional Planning Policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
<b>5.2.2</b>	<u>Local Planning Policy Context</u>  Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Metropolitan Area Plan 2004
<b>5.2.3</b>	Planning Policy Statement 6 (PPS6) – Planning Archaeology and the Built Environment
<b>5.2.4</b>	<b>Other Material Considerations</b>  Cathedral Conservation Area Guide
<b>5.3</b>	<b>Consultations</b>
<b>5.3.1</b>	<u>Non-Statutory Consultations</u>  <b>BCC Conservation Officer</b> – No Objection
<b>5.4</b>	<b>Representations</b>
<b>5.4.1</b>	The application has been advertised and publicised on the website.
<b>5.4.2</b>	One representation was received in 2017 raising the following issues: <ul style="list-style-type: none"> <li>• Whether a notification should have issued to the occupier of No. 39 North Street</li> <li>• Request to vacate the property</li> </ul>
<b>5.4.3</b>	The Planning Act (General Development Procedure) Order (Northern Ireland) 2015 sets out the legislative requirements regarding notification of applications. The Council is not required to notify landowners, occupiers or neighbouring residents about Conservation Area Consents. Issues raised in the objection regarding the requirement to vacate the premises are a matter between the applicant and the occupier.
<b>5.4.4</b>	Objections have been received to the associated outline planning application LA04/2017/2341/O regarding the amount of demolition and loss of historic fabric throughout the wider scheme.
<b>5.5</b>	<b>Assessment</b>
<b>5.5.1</b>	PPS6 sets out a numbers of policies against which proposals for the demolition/partial demolition of non-listed buildings are assessed. These include:

	<ul style="list-style-type: none"> <li>• Policy BH 14 – Demolition in a Conservation Area</li> <li>• Paragraph 6.25 of Policy BH 10 (Demolition of a Listed Building) of PPS 6 is also applicable where it is considered that a non-listed building proposed to be demolished makes a positive contribution to the conservation area.</li> </ul>									
<p><b>5.5.2</b></p>	<p>The SPPS also sets out policy considerations for proposals in a Conservation Area at paragraphs 6.18 – 6.20.</p>									
<p><b>5.5.3</b></p>	<p>The application site falls within the Cathedral Conservation Area.</p>									
<p><b>5.5.4</b></p>	<p>In accordance with Policy BH14, in determining proposals for demolition of unlisted buildings in a Conservation Area, the Council is required to take account of the building’s contribution to the architectural or historic interest of the area and in particular the wider effects of the building’s demolition on its surroundings and on the Conservation Area as a whole. Where a building is considered to make a positive contribution to the character and appearance of the area, the Council is also required to have regard to the same broad criteria for the demolition of listed building as set out in paragraph 6.25 of Policy BH10 of PPS 6 which in summary are:</p> <ul style="list-style-type: none"> <li>a) the condition of the building, cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;</li> <li>b) the adequacy of efforts made to retain the building in use; and</li> <li>c) The merits of alternative proposals for the site.</li> </ul>									
<p><b>5.5.5</b></p>	<p>The following table compares the demolition proposal in the extant and proposed schemes.</p>									
	<table border="1"> <thead> <tr> <th colspan="3" data-bbox="288 1108 1444 1176"><b>Full Demolition of the following non-Listed Buildings in the Conservation Area is proposed</b></th> </tr> <tr> <th data-bbox="288 1176 746 1243"><b>Demolition Approved in Extant Scheme</b></th> <th data-bbox="746 1176 1200 1243"><b>Demolition Proposed in Revised Scheme</b></th> <th data-bbox="1200 1176 1444 1243"><b>Comments</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="288 1243 746 1310">39-65 North Street (Temple Court)</td> <td data-bbox="746 1243 1200 1310">39-65 North Street (Temple Court)</td> <td data-bbox="1200 1243 1444 1310">No change</td> </tr> </tbody> </table>	<b>Full Demolition of the following non-Listed Buildings in the Conservation Area is proposed</b>			<b>Demolition Approved in Extant Scheme</b>	<b>Demolition Proposed in Revised Scheme</b>	<b>Comments</b>	39-65 North Street (Temple Court)	39-65 North Street (Temple Court)	No change
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<b>Demolition Approved in Extant Scheme</b>	<b>Demolition Proposed in Revised Scheme</b>	<b>Comments</b>								
39-65 North Street (Temple Court)	39-65 North Street (Temple Court)	No change								
<p><b>5.5.6</b></p>	<p>Having regard to advice from the conservation Officer, Nos. 39-65 North Street (Temple Court) are <b>not</b> considered to make a positive contribution to the Cathedral Conservation Area and as such the proposals to demolish the buildings is considered acceptable in principle and compliant with Policy BH 14 subject to assessment of redevelopment proposals which is considered later in the report. It must be noted that consent to demolish this building was previously granted under the extant scheme as set out in the table above. This is an important material consideration which has significant weight in the assessment of this element of the proposal.</p> <p><b>Regeneration</b></p>									
<p><b>5.5.7</b></p>	<p>The demolition will facilitate the comprehensive redevelopment of the site and enable the realisation of significant physical, economic and regeneration benefits delivering substantial gains which is considered to be in the wider public interest. The merits of the proposed redevelopment scheme are considered in detail in the associated application LA04/2017/2341/O are considered to outweigh the loss of Nos. 39-65 North Street (Temple Court). Notwithstanding, regard must be had to the fall-back position of implementation of the extant scheme within which this building is to be demolished. Having regard to these considerations, the principle of demolition of these buildings is considered</p>									

<p><b>5.5.8</b></p>	<p>acceptable subject to assessment of the redevelopment proposals. This view is supported by the Conservation Officer.</p> <p>Redevelopment proposals for the application site and the wider scheme to regenerate the area are considered in detail in the assessment of the associated application LA04/2017/2341/O and should be read in conjunction with this application. The building to be demolished will be replaced by new buildings of a higher quality design which will enhance the character and appearance of the Conservation Area. A condition is recommended that prevents demolition of the building until a valid contract has been let for redevelopment of the site to ensure that this part of the site developed and not left.</p>
	<p><b>Summary of Recommendation:</b>          Having regard to relevant material considerations, including the policy context and planning history, the proposed demolitions are considered acceptable and it is recommended that Conservation Area Consent be granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p>Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. In accordance with Section 105 of the Planning Act (NI) 2011, the buildings shall not be demolished until a contract for the redevelopment of the site in accordance with the proposals under application reference LA04/2017/2341/O and any subsequent associated detailed planning approval has been agreed, and evidence of that contract has been submitted to and approved in writing by the Council.</li> </ol> <p>Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of the Belfast City Conservation Area.</p>
	<p><b>Notification to Department (if relevant)</b></p> <p>If Members are minded to approve the application, the Council will be required to notify DFI under Sections 105(6) of the Planning Act (Northern Ireland) 2011.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	11th October 2017
<b>Date First Advertised</b>	10th November 2017
<b>Date Last Advertised</b>	20th September 2019
<b>Details of Neighbour Notification</b> (all addresses) Matthew Reilly, 51 Whitehall Parade Belfast Down	
<b>ES Requested</b>	Yes



**APPENDIX 1 – RELEVANT PLANNING HISTORY****Current Outline planning application and associated consents**

The table below sets out the applications and consents currently under consideration for the revised scheme.

<b>Planning Application Reference</b>	<b>Address</b>	<b>Proposal</b>
<b>LA04/2017/2341/O</b>	Land Bounded by Royal Avenue, York Street and Church Street to the North; North Street to the west; Rosemary Street to the south 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.	Application for outline planning permission for demolition, redevelopment and part change of use to create a mixed use development comprising retail, offices, cafe/restaurant, residential, hotel, cultural/community space, parking, servicing, access and circulation arrangements, the creation of new streets, the configuration of Writers Square, public realm works, landscaping and associated site and road works. The proposal includes works to alter listed buildings, restoration of retained listed buildings and facades, and partial demolition of North Street Arcade, retaining its facades. Details of the retained elements of the Listed Braddells building, Former Assembly Rooms and North Street Arcade facades are provided along with the layout of the new Arcade
<b>LA04/2017/2343/DCA</b>	Temple Court, St Anne's Cathedral Precinct & St Anne's Court, 39-65 North Street, Belfast	Demolition of buildings

### Extant scheme approvals and consents

The table below sets out the applications and consents relating to the extant scheme.

Planning Application Reference/ Decision	Address	Proposal
<b>Z/2010/1532/F</b>  Permission granted 11 October 2012	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, Nos 33 to 55 Rosemary Street and including North Street and Nos 2-14 Lower Garfield Street	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.
<b>Z/2010/1494/DCA</b>  Consent granted 08 October 2012	Temple Court, St. Anne's Cathedral Precinct & St. Anne's Court, 39-65 North Street, Belfast, BT1 1NA.	Demolition of Buildings

### Variations to extant scheme

The table below sets out the applications and consents relating varied the original approval for the extant scheme.

Planning Application Reference/ Decision	Address	Proposal
<b>LA04/2016/2327/F</b>  Permission granted 23 January 2017	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	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, alteration and extension of listed buildings.
<b>LA04/2016/1625/DCA</b> Consent granted 23 January 2017	Temple Court St. Anne's Cathedral Precinct & St. Anne's Court 39-65 North Street, Belfast BT1 1NA	Variation of condition 1 (contract for carrying out works approved under planning application ref. Z/2010/1532/F) of demolition within a conservation area consent Z/2010/1494/DCA for the demolition of buildings