Development Management Addendum Report	
Application ID: LA04/2020/1208/DCA	**Date of Committee**: 17 August 2021
Proposal: Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	**Location:** 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	**REFUSAL (Previously Approval)**
Applicant Name and Address: HOLG Ltd 159 Durham Street Belfast	**Agent Name and Address:** Carlin Planning Limited Forsyth House Cromac Street Belfast

ADDENDUM REPORT

This Conservation Area Consent application was previously listed for Planning Committee on 15th June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10th August 2021.

Members should read this Addendum Report in conjunction with the original full Case Officer report attached below.

An associated full application for redevelopment of the site has been submitted in respect of the application site, which now as amended proposes 'Partial demolition and redevelopment of existing buildings to provide 16 apartments (*social housing units*), communal bin store and landscaped communal garden' (reference LA04/2020/0847/F).

The proposal description has been amended since the June 2021 Planning Committee meeting to include 'social housing' in the description. This application was previously recommended for approval, subject to a Section 76 agreement to secure the inclusion of an area of rear amenity. Following the recent submission of amendments including the description to social housing and the removal of the rear communal amenity area, the full application is now recommended for refusal.

Without the rear amenity area, the provision of amenity space falls to approximately 7.7 sq m per apartment, below the minimum standard advised in Creating Places. Furthermore, removal of this area results in a reliance on the private balconies and amenity areas at the front of the building, which is not appropriate as it will be impacted by noise for potential occupiers as its located on a busy main road. It is noted that the previous recommendation to approve was a balanced recommendation, with concerns noted in relation to the proposed demolition, impact on Queens Conservation Area and residential amenity. The rear amenity space was considered integral to the acceptability of the proposed development. Following the removal of same, it is considered that the balance is no longer in favour of approval, the officer recommendation has therefore changed and the proposal is recommended for refusal.

PPS 6 clarifies that full information and detailed plans about what is proposed for the site after demolition will be required with any conservation area consent applications, and where consent may be granted, this would normally be subject to conditions requiring redevelopment in line with an approved scheme.

Consequently, whilst there is no objection in principle to the proposed demolition under Policy BH14, consent would only be considered appropriate where a suitable replacement scheme has been fully evaluated and found to be acceptable in accordance with planning policy. The full application LA04/2020/0847/F has been recommended for refusal, therefore the proposed demolition does not comply with Policy BH 14 of PPS 6 and is therefore recommended for refusal.

RECOMMENDATION: REFUSAL

Refusal Reasons:

1) The proposal is contrary to the SPPS and Policy BH 14 of Planning Policy Statement 6 in that appropriate arrangements for the redevelopment of the site have not been approved.

Committee Application

Development Management Report	
Application ID: LA04/2020/1208/DCA	**Date of Committee**: 15 June 2021
Proposal: Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	**Location:** 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: HOLG Ltd 159 Durham Street Belfast	**Agent Name and Address:** Carlin Planning Limited Forsyth House Cromac Street Belfast

Executive Summary:

The proposed demolition works relate to ‘Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade’.

An associated full application for redevelopment of the site has been submitted in respect of the application site, proposing ‘Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden’ (reference LA04/2020/0847/F). This application is recommended for approval.

The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft ‘Lower Lisburn Road’ Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.

1 objection has been received in relation to this proposed demolition.

The CA Officer (CAO) has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

Section 76 Agreement

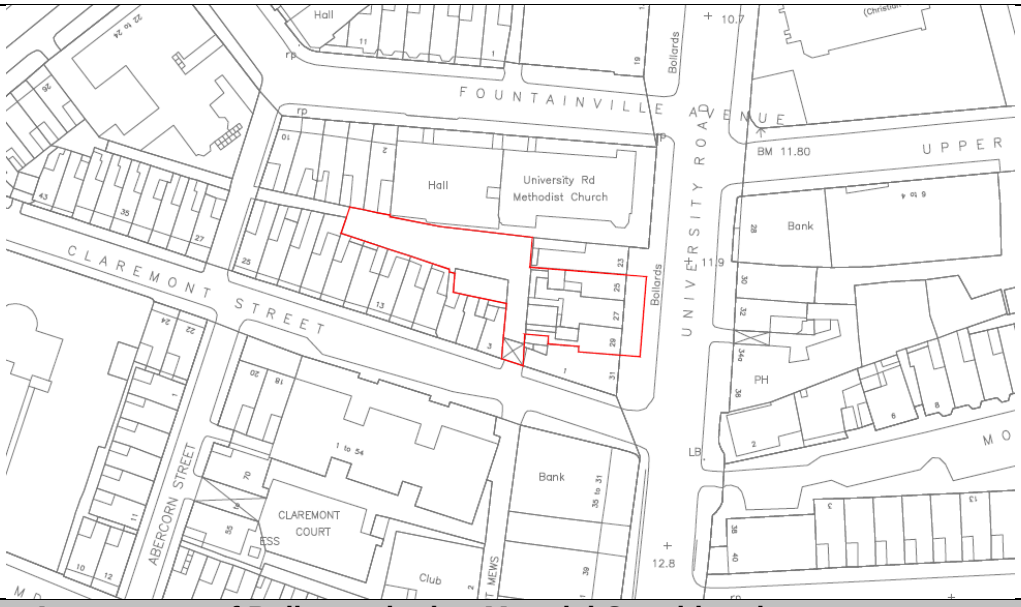
The façade will be secured by a façade retention system and over seen by a suitably qualified structural engineer and secured by a Sec 76 Agreement.

Recommendation: APPROVAL

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement.

It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions and to agree a Section 76.

Characteristics of the Site and Area	
1.0	**Description of Proposed Development**
1.1	The proposed demolition works relate to 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade'.
1.2	An associated full application for redevelopment of the site has been submitted in respect of the application site, proposing 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden' (reference LA04/2020/0847/F).
2.0	**Description of Site**
2.1	The site is located within the urban limits of Belfast. The application site relates to 3 buildings located within an existing terrace along University Road. 2 of the buildings (No. 25 and 27) have been badly damaged in a fire, with damage to the roof, windows, doors and internal fittings clearly visible from the street. The buildings are 3 storeys in height, with a dormer window located on the roof plane of No. 29. The buildings are finished in render and the style / dimensions of the existing window openings of the application buildings replicate the neighbouring buildings along the terrace. The ground floor doors and windows are more modern in design and appearance. The front of the site is currently secured with fencing. The rear of the site is accessible via an existing archway located directly beside No. 3 Claremont Street. There is a small yard at the rear of the site, which is currently used for parking and storage. At the rear of this yard, there is an elongated triangular area that runs along the rear of No. 9 – 17 Claremont Street. This area is quite overgrown with vegetation and appears to have been used for small scale dumping in the past.
2.2	The surrounding area is characterised primarily by a mix of land uses, primarily residential and commercial (including restaurants, retail, offices and financial services). The front portion of the site, including the buildings, is located within the Queens Conservation Area, whilst the rear portion is located within a draft Area of Townscape Character.
2.3	



Planning Assessment of Policy and other Material Considerations

3.0 Site History

LA04/2020/0392/DCA – 25-29 University Road - Full demolition of existing first and second floors including facades with facade retention of ground floor front and rear walls due to fire damage – Application Withdrawn

LA04/2019/1523/F - 25-29 University Road - Partial demolition, alteration and extension of existing buildings including change of use from restaurant/offices to 20 apartments and erection of communal bin store – Application Withdrawn

LA04/2019/1526/DCA - 25-29 University Road - Partial demolition of internal and external walls, roof and rear returns – Application Withdrawn

Z/2005/0326/A – 25-27 University Road - Advertising Banner on front elevation of Restaurant (Retrospective) – Permission refused 28/6/05

Z/2004/0152/F – 25-27 University Road - Change of use and refurbishment of existing restaurant to provide public house – Permission Granted 18/5/04

Z/2002/1532/F – 29 University Road - Retail/Office development – Permission Granted 30/5/03

Z/2002/1533/F – 29 University Road – Office Development – Permission Granted 30/5/03

Z/1997/0741 – Fitzy's Restaurant, 25-27 University Road - Extension and general refurbishment of restaurant – Permission Granted

Z/1995/0928 – 25-27 University Road - First floor extension to rear of Fitzys Restaurant

Z/1994/0763 – 25-27 University Road - Alterations & improvements to new restaurant frontage

	Z/1994/0665 - 25-27 University Road - Extension to rear of existing restaurant and change of use of first floor to licensed restaurant Z/1992/1171 - 25-27 University Road - Change of use of existing licensed restaurant, hot food outlet and offices to public house licensed premises Z/1992/1170 – 25 University Road - Change of use of ground floor of No 25 University Road from hot food outlet to form extension to existing licensed restaurant at No 27 University Road
4.0	**Policy Framework**
4.1 4.2	Belfast Urban Area Plan (BUAP) Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	Strategic Planning Policy Statement (SPPS) PPS 6 Planning, Archaeology and the Built Heritage
5.0	**Statutory Consultees Responses**
5.1	Not applicable
6.0	**Non-Statutory Consultees Responses**
6.1	BCC Conservation Area Officer – No objection to demolition, on the basis that submitted structural information is accurate. Concerns with proposed development noted, however balanced against the limited public views.
7.0	**Representations**
7.1 7.2	1 objection has been received in relation to this proposed demolition. The objection raised the following issues: • Shared party wall between objector's property (No. 23) and the application building (No. 25) is experiencing structural movements and deteriorating due to exposure to the elements. • Current Conservation Area consent application should consider and mitigate against adverse impact of No. 23. • Further information requested regarding how party wall stability will be maintained, waterproofed and protected from the elements and how the party wall will be monitored for movements through the demolition process.
8.0	**Assessment**
8.1	<u>Development Plan context</u> Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. 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 dBMAP remaining a material consideration.
8.2	The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.
8.3	<u>Policy / Legislative Framework</u> The site of the proposed demolition is located within the City Centre Conservation Area. The proposal is considered under Section 104(11) of the Planning Act (NI), Paragraph 6.19 of the SPPS and policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and the Built Environment. Section 104(11) of the Planning Act (NI) 2011 states that 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; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
8.4	Similarly, Paragraph 6.18 of the SPPS states special regard to the desirability of enhancing the character or appearance of Conservation Areas should be afforded when an opportunity to do so exists, or the character or appearance should at least be preserved where an opportunity to enhance does not exist.
8.5	Policy BH 14 of PPS 6 relates specifically to demolition in a conservation area. The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Policy BH14 also states that where the principle of demolition is acceptable, it will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.
8.6	<u>Principle of Demolition</u> Policy BH14 of PPS 6 states '*The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area'.* The Conservation Area Officer (CAO) has provided comment on the proposal, advising that the existing buildings make a significant contribution to the architectural and historic interest / character and appearance of the CA. As such, there is a presumption against demolition. In assessing proposals for demolition, the Department will have regard to the same broad criteria for demolition of listed buildings.
8.7	Para 6.5 of PPS 6 provides further amplification of the issues that are generally relevant to listed building consent applications, specifically importance of the building, its architectural and historic interest, the particular physical features of the building, the building's setting and contribution to the local scene and the extent to which proposed works would bring substantial benefits to the community.
8.8	The CAO has identified the features of the buildings which make a significant contribution to the architectural and historic interest / character and appearance of the CA, i.e. the buildings feature a stuccoed finish, with decorative quoins, console brackets supporting eaves and sliding sash windows within moulded surrounds. The

	agent has advised that the proposed demolition does not include these features as the front facades are to be retained.
8.9	Policy BH10 of PPS 6 states '*There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form'.*
8.10	The agent advises that the exceptional reason for demolishing the internal parts of the building and rear elevations is that the building has been severely fire damaged. It is noted that only two of the three buildings (No's 25 and 27) are fire damaged.
8.11	In accordance with Para 6.23 and 6.25 of PPS 6, the agent has provided additional information in support of the case for demolition. The agent advises that the building is fire damaged and is not currently in use, therefore the proposal offers a viable new use for the site. He does not believe that it would be viable for a charitable or community organisation to bring this building back into use. Furthermore, he advises that the important features of the buildings previously identified by the CAO are proposed for retention and there are clear benefits to regenerating the site to provide housing in line with the Belfast Agenda and emerging LDP. The agent advises that the condition of the building is very poor as outlined in the structural reports and the intention of the scheme is to repair the building whilst retaining and enhancing the historic features identified by the CAO. He considers the proposed scheme represents an alternative proposal for the site.
8.12	The CAO acknowledges the information submitted by the agent in support of the proposed demolition and recommends that an independent structural engineer's report is sought to verify the submitted details. The CAO advises further that on the basis that the submitted details are bona fide and sufficient to meet the PPS6 criteria, there would be no objections to the demolition works.
8.13	As noted earlier, information has been submitted by the agent to support the case for demolition. The Council has sought independent expert advice and has been advised that there appears to be a case for some demolition (or careful dismantling), however the engineer questioned the argument in relation to demolition of No. 29 as it had not been damaged in the fire.
8.14	Further research into the history of the building at No. 29 shows that this building was actually constructed approximately 16-18 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F. The below image from Google earth shows the site of No. 29 as a vacant gap site in December 2001. It is noted that the redevelopment of the site took place subsequent to the designation of Queens CA.
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In addition, there is a significant planning history associated with No. 25 and 27 in relation to the previous use as a restaurant. Consequently, the internal layout of both buildings had been amended significantly from the traditional layout when the buildings were first constructed.

8.18

An objection has been received raising issues in relation to the structural integrity of the party wall boundary between No. 23 and 25. The purpose of this application for Conservation Area Consent is to assess the impact of the proposed demolition works on the appearance and character of the CA. Notwithstanding, it is considered that the proposed demolition can be undertaken appropriately without harm to the neighbouring building. Furthermore, as the roof of No's 25 and 27 is currently damaged, it is considered that the current situation is potentially more harmful than the proposed demolition and subsequent redevelopment of the site.

8.19

In summary, it is acknowledged that No. 25 and 27 have been damaged by fire. The CAO has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it

8.20

is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

<u>Redevelopment</u>

PPS 6 clarifies that full information and detailed plans about what is proposed for the site after demolition will be required with any conservation area consent applications, and where consent may be granted, this would normally be subject to conditions requiring redevelopment in line with an approved scheme.

This application is linked with LA04/2020/0847/F for 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden', which has also been recommended for approval

9.0	**Summary of Recommendation: APPROVAL**
9.1	On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is requested that the Section 76 Agreement and final wording of conditions is delegated to the Strategic Director of Place and Economy.
10.0	**Conditions**
10.1	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. Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.
10.2	This consent is granted subject to the implementation of a satisfactory replacement scheme as approved under planning application reference LA04/2020/0847/F. The approved demolition is prohibited until such time as a contractor has been appointed and contracts have been signed for the approved redevelopment of the site. Reason: To ensure the implementation of a satisfactory scheme in the interest of the Queens Conservation Area.

Notification to Department (if relevant)

DFI to be consulted, if approved by BCC Planning Committee.

Representations from Elected members:

N/A