

Planning Committee

Wednesday, 2nd March, 2022

SPECIAL HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
The High Sheriff, Councillor Hussey;
Councillors Brooks, Garrett, Hanvey, Maskey,
O'Hara and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager (Development
Management);
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies for inability to attend were received from Councillors Matt Collins, Groogan, Hutchinson and Murphy.

Declarations of Interest

No declarations of interest were recorded.

Planning Application

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)

LA04/2021/2299/F - Change of use relating to part of unit 34 ground floor area from (class a1) retail unit to (sui generis) coffee shop with provision of external seating area; change of use (including re-configuration of internal stair/lifts, ancillary spaces and all associated works) of first and second floor levels of unit 34 and existing first floor level of unit 61 (class a1) and mall 01-k9 to (sui generis) family entertainment centre to include, crazy golf; lazer quest; indoor caving; escape rooms; bumper cars; virtual reality arcade; restaurants & bars and outdoor terrace at second floor; and (class d2) cinema with bar. 61 & Mall 01-K9 Castlecourt Shopping Centre, Royal Avenue

The Planning Manager (Development Management) provided the Committee with an overview of the application. He advised that the site was located within Belfast City Centre and comprised frontage units within the CastleCourt shopping centre on Royal Avenue. The site included vacant retail units on the ground, first, and second floors and was last occupied by Debenhams Department store.

The Members were advised that the key issues which had been considered during the assessment of the proposal included:

- the principle of loss of retail space and proposed uses at the location;
- the economic impact of the proposal;
- layout, design and impact on built heritage;
- impact on amenity / character of the area;
- impact on transport and other infrastructure;
- impact on flooding and drainage;
- economic considerations; and
- developer contributions

The Planning Manager explained that the site was within the City Centre in the BUAP 2001 and both versions of draft BMAP. He advised that it was also within the Primary Retail Core within both dBMAP versions, and Primary Retail Frontage with draft BMAP 2014. The site was located adjacent to the City Centre Conservation Area.

The Members were advised that the proposal comprised alterations to facilitate a change of use from retail with the upper floors to entertainment uses, and reconfigurations at ground floor to facilitate two retail units and a café. They were advised that the proposal comprised City Centre uses, as defined in the SPPS, and therefore complied with that aspect of the policy which promoted a “City Centre first” approach for retail and leisure uses.

The Planning Manager outlined that it was considered that the entertainment uses would fulfil a complementary function and not adversely impact on the function or retailing activities of the city centre.

The Committee was advised that the proposed physical alterations were largely internal within the existing shopping centre and did not require planning permission. However, some external alterations were necessary to the external facades to facilitate the proposal, including the introduction of new glazing, doors, louvres, and shopfronts. The Council’s Conservation Officer had been consulted and had no objections, concluding that the existing CastleCourt façade was not considered to be of heritage value. The proposed changes were considered sensitively designed and appropriate for the existing building and the character and appearance of the adjacent Conservation Area would be preserved. The setting of nearby Listed Buildings would not be harmed.

Given the current commercial use of the site, its City Centre location, the nature of surrounding similar uses, and lack of any sensitive uses nearby, it was not considered that the proposal would result in any adverse amenity impacts.

The Committee’s attention was drawn to the Late Items pack, whereby a response had been received from Environmental Health confirming that it had no objections subject to conditions regarding noise. He advised the Committee that the applicant had since confirmed that they were in agreement with the conditions and that the wording of the conditions would need to be refined by officers to ensure compliance with the six tests for conditions.

The Committee was also advised that DFI Rivers had submitted a response confirming that it had no objections subject to a condition in respect of drainage. The applicant had confirmed that they were content with the condition but had requested that the trigger point for it be amended to occupation instead of prior to the commencement of works. The Planning manager explained that the wording of the condition would need to be refined by officers to ensure compliance with the six tests for conditions.

The Planning Manager advised that NI Water had recommended a refusal based on the information provided, however, further information had since been provided by the applicant to NI Water under the Pre-Development Enquiry (PDE) process. The applicant had sought to demonstrate that a reduction in overall footfall to the units and net reduction in discharge rates was achievable from the site. He outlined that officers advised that account must also be taken of the existing use and operations, associated discharge rates and the significant number of unimplemented permissions across the city.

He reported that the Council had subsequently received verbal indications from NI Water that it would remove its objection to the application and that a condition would be necessary to resolve stormwater capacity prior to the development becoming operational. The Members were advised that that was consistent with recent correspondence between NI Water and the applicant, which the Council had had sight of. The officer's recommendation was, therefore, approval subject to NI Water formally withdrawing its objection. NI Water had been re-consulted accordingly. Following NI Water's response, he explained that further consultation with DFI Rivers would be necessary to confirm compliance with PPS15 FLD3.

The Committee was advised that no objections had been received from any other consultees and that no third party representations had been received from the public in respect of the application.

The applicant had advised that the scheme comprised an investment of around £10.8million. In addition, the development would create up to 125 jobs during the construction phase, and up to 130 full time and part-time jobs post completion. The Committee was advised that the proposal would also see the reoccupation of what once was the anchor store for CastleCourt shopping centre, attracting footfall, and supporting both CastleCourt and the wider City Centre.

The Planning Manager explained that the applicant was under an extremely tight timeframe for the prospective tenants to be able to fit out the units for opening by October/November 2022. If the works were not completed by November 2022 then they would have to be delayed as ongoing works would interfere with Christmas trading for existing occupiers of the shopping centre. He added that there was also concern about rising construction costs and the impact that delays would have on the deliverability and affordability of the scheme.

The Chairperson welcomed Mr. T. Stokes, agent, and Ms. L. Elliott, applicant, to the meeting.

Mr. Stokes advised the Committee that:

- over the last 10 years, the retail sector had been going through a period of significant turbulence, which had then been further exacerbated by the ongoing impacts brought by the COVID pandemic;
- the Department Store concept had been hit at an unprecedented rate leaving sizeable empty spaces across city centres. In a bid to address that, the repurposing of large retail units had already taken place across a number of the regional cities, such as Edinburgh and Liverpool;
- since the loss of Debenhams, CastleCourt had no anchor to attract much needed footfall - which also had a direct impact on the other 75 retailers within the city centre. That section of Royal Avenue had become severely run down and was a ghost town after 6pm every day of the week;
- the application would help to kick-start the much-needed regeneration of Royal Avenue, and would aid in addressing the existing disconnect between the new Ulster University Campus development and the city centre; and
- the scheme represented a significant investment of around £11million and a contractor had been appointed and was ready to start immediately.

Ms. Elliott, on behalf of Wirefox, advised the Committee that:

- they were thankful to the Committee and to the Planners for holding a Special meeting to consider the application;
- the change of use permission also provided a much-needed kick start of the regeneration of the Royal Avenue area which was in dire need of reactivation, illumination and rejuvenation.
- the direct economic benefits of the change of use were clear, with up to 125 jobs being created during the construction phase and a further 130 full and part time jobs post completion. However, it would also preserve over 1,000 jobs in respect of those other 75 struggling retailers within the centre;
- the university campus would be fully open later in the year but that, with a lack of progression with surrounding developments such as Tribeca, The Sixth and Building blocks, and with a number of years before the Belfast Stories tourist attractive would be open there was unfortunately still a disconnect between the campus and the city centre, and Royal Avenue remained a wasteland between the two; and
- timing was critical and a successful leisure scheme relied on a strong launch and as such openings were timed around key holiday periods. With a 26-week construction programme before the tenants own fit outs, they would achieve a Christmas opening. However, timing was so tight that if they could not commence immediately the opening would be delayed until next Easter at the earliest, which would be disastrous for the centre.

The Chairperson thanked the representatives for their attendance.

The Committee granted approval to the application, subject to formal resolution of NI Water's objection, with delegated authority given to the Director of Planning and Building Control to finalise the conditions.

**LA04/2021/1702/F - Alterations and 3 storey extension
to existing private hospital including vehicular access and
car parking (amendment to previously approved two storey
permission granted under LA04/2017/0005/Fat 807 - 809
Lisburn Road Belfast BT9 and incorporating part of Kingsbridge
Private Hospital at Nos 811- 815 Lisburn Road**

The Planning Manager advised the Committee that the above application had been granted approval by the Committee at its meeting on 15th February. He explained that it would be necessary to notify the Department for Infrastructure in respect of the application, in view of the objection from a statutory consultee, NI Water.

The Committee noted the update which had been provided.

Chairperson