Development Management Officer Report Committee Application

Summary			
Application ID: LA04/2024/0438/F	Committee Meeting Date: 27th June 2024		
Proposal: Section 54 application to vary condition 27 (parking, servicing and circulating), condition 28 (parking facilities), condition 29 (vehicular access), condition 30 (cycle parking) and condition 31 (service management plan) of planning approval LA04/2019/2756/F (alterations to vacant Gaol wing (Wing A) to facilitate change of use to operational whiskey distillery with tourist centre. Referral Route: Major development (Section 54 development)	Crumlin Road, Belfast, BT14 6ST		
Recommendation: Approval			
Applicant Name and Address:	Agent Name and Address:		
Belfast Distillery Company Ltd	Richard O'Toole		
Mcconnell's Distillery	O'Toole & Starkey Ltd		
Crumlin Road Gaol	1st Floor		
53-55 Crumlin Road	River House		
Belfast	48-60 High Street		
BT14 6ST	Belfast		

Executive Summary:

Planning approval LA04/2019/2756/F was granted 22 March 2021 for 'Alterations to vacant Gaol wing (Wing A) to facilitate change of use to operational whiskey distillery (including ground water abstraction, plant equipment and all associated works) with tourist centre, new car park, alterations to existing car park and associated site works. Tourist facilities to include guided tours, bar and restaurant/cafe.'

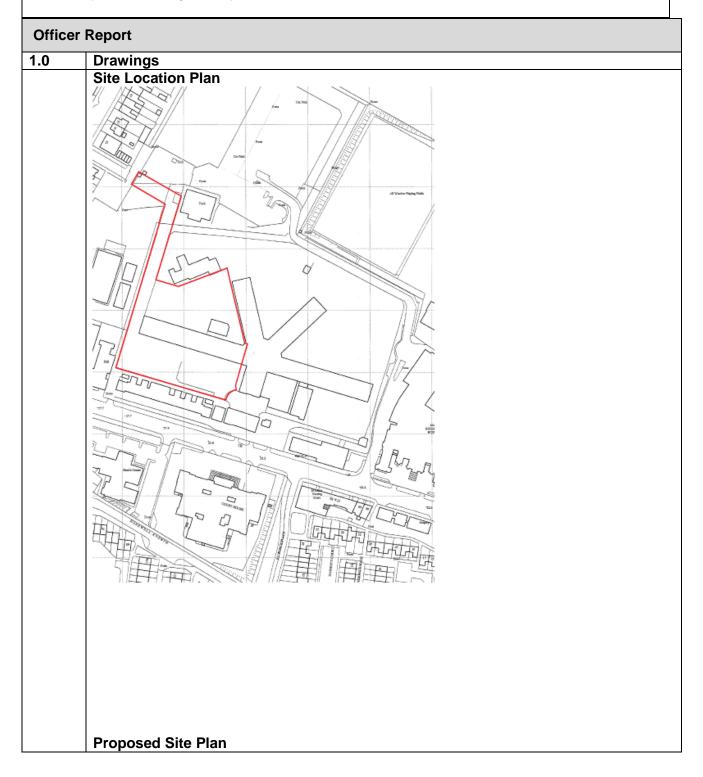
This application seeks to vary Condition 27, Condition 28, Condition 29, Condition 30 and Condition 31 of planning permission LA04/2019/2756/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 27 is in relation to parking, servicing and circulating; Condition 28 - parking facilities; Condition 29 - vehicular access; Condition 30 - cycle parking; and Condition 31 - service management plan.

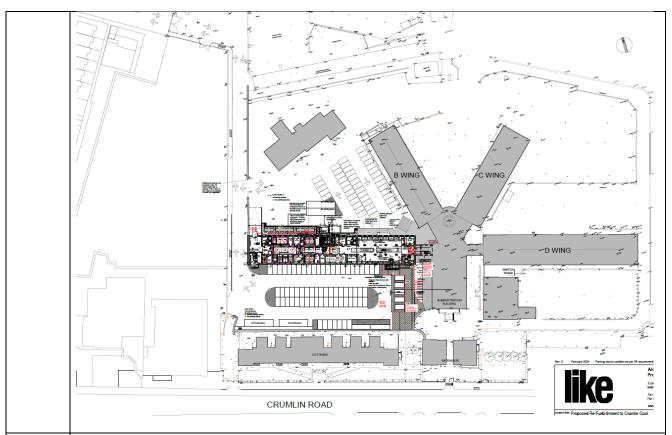
An amended proposed site plan has been submitted to supersede the previously approved proposed site plan under planning application LA04/2019/2756/F. The decision notice under LA04/2019/2756/F approved drawing number 1730-01-100-03 but in the relevant conditions refers to it as Drawing No. 100-03 Rev D. The approved drawing number will hereby be referred to as drawing no. 100-03 Rev D. The new proposed site plan under the current application (drawing number 02, date published to Public Register: 3 April 2024) shows the changes being proposed to be amended in relation to Conditions 27, 28, 29 and 30.

An amended Service Management Plan has been received to replace the Service Management Plan submitted under LA04/2019/2756/F.

In their consultation response on the 24 April 2024, DFI Roads offers no objection to the proposal to vary Condition numbers 27, 28, 29 and 30 to reference drawing 02 published on the Planning Portal 3 April 2024; and to vary Condition number 31 to reference the Service Management Plan published on the Planning Portal 11 June 2024.

Having regard to the Development Plan and other material considerations, and in the planning balance, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise so long as they are not substantive.





2.0 Characteristics of the Site and Area

- The application site is one of four 3 storey `wings' of a decommissioned Victorian prison. This is a Grade `A' Listed Building designed by Charles Lanyon and was constructed in the years between 1840 and 1859. The application site is for `A Wing' in the western part of the prison complex. The building is constructed of basalt stone with sandstone detailing around openings and Bangor Blue slates covering the pitched roof.
- One of the three other wings has been restored to its original Victorian state for use as a museum. The other two wings are currently closed and vacant. 'A Wing' is one of the larger wings in the prison. There is a car park within the curtilage of the site which is screened by the existing two storey staff cottages at the front of the prison, fronting the Crumlin Road. An area of hardstanding with car parking is also located to the north of the A Wing. The exterior of the prison building itself has been restored to its original condition.
- 2.3 The area is defined by a mix of commercial, residential and government buildings in a range of eclectic styles, designs and densities. The Mater Hospital is adjacent to the application site, bounding its east side, while the derelict remains of the Crumlin Road Court House is opposite. Girdwood Community Hub sits north of the Gaol Complex with a petrol station and a funeral parlour to the west. Residential dwellings on Cliftonpark Avenue sit to the west of the wider Gaol Complex with No's. 31 and 53 located adjacent to the existing vehicular access to the complex from Cliftonpark Avenue.

3.0 Description of Proposal

This application seeks to vary Condition 27, Condition 28, Condition 29, Condition 30 and Condition 31 of planning permission LA04/2019/2756/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 27 is in relation to parking, servicing and circulating; Condition 28 - parking facilities; Condition 29 - vehicular access; Condition 30 - cycle parking; and Condition 31 - service management plan.

- An amended proposed site plan has been submitted to supersede the previously approved proposed site plan (drawing number 100-03 Rev D) under planning application LA04/2019/2756/F. The new plan (drawing number 02, date published to Public Register: 3 April 2024) shows the changes being proposed to be amended in relation to Conditions 27, 28, 29 and 30.
- 3.3 An amended Service Management Plan has been received to replace the Service Management Plan submitted under LA04/2019/2756/F.

4.0 Planning Policy and Other Material Considerations

4.1 Development Plan – operational policies

Belfast Local Development Plan, Plan Strategy 2035

- SP1 Growth strategy
- SP2 Sustainable development
- SP5 Positive placemaking
- SP7 Connectivity
- DES1 Principles of urban design
- DES2 Masterplanning approach for major development
- BH1 Listed buildings
- EC1 Delivering inclusive economic growth
- TLC1 Supporting tourism leisure and cultural development
- TRAN1 Active travel walking and cycling
- TRAN2 Creating an accessible environment
- TRAN6 Access to public roads
- TRAN8 Car parking and servicing arrangements
- TRAN9 Parking standards within areas of parking restraint
- TRAN10 Design of car parking

4.2 Development Plan – zoning, designations and proposals maps

Belfast Urban Area Plan (2001) BUAP

Draft Belfast Metropolitan Area Plan 2015 (v2004)

Draft Belfast Metropolitan Area Plan 2015 (v2014)

4.3 Regional Planning Policy

Regional Development Strategy 2035 (RDS)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

4.4 Other Policies

Belfast Agenda

4.5 Relevant Planning History

LA04/2024/0791/DC - Noise Verification Report (Under consideration) Other discharge of conditions applications for planning application LA04/2019/2756/F have been submitted for conditions 2, 3, 4, 11, 13, 14, 15, 16, 18, 19, 21 between 2021 and 2024 and all have been discharged.

LA04/2020/1662/F Section of existing wall carefully dismantled and stored on site for possible reuse, existing post removed and rebuilt at the new end of stone wall. New sliding gate installed, with supporting framework. Granted 16 February 2021

LA04/2020/1663/LBC Section of existing wall carefully dismantled and stored on site for possible reuse, existing post removed and rebuilt at the new end of stone wall. New sliding gate installed, with supporting framework. Granted 16 February 2021

LA04/2019/2756/F Alterations to vacant Gaol wing (Wing A) to facilitate change of use to operational whiskey distillery (including ground water abstraction, plant equipment and all associated works) with tourist centre, new car park, alterations to existing car park and associated site works. Tourist facilities to include guided tours, bar and restaurant/cafe. Granted 31 March 2021

LA04/2019/0863/LBC Proposed internal demolitions and alterations and external alterations to vacant 'A' Wing to facilitate plant equipment and associated works relating to whiskey distillery and visitors attraction. Granted 29 March 2021

Z/2014/0728/F - Retention of temporary security hut (Amended description) – Granted. 19.09.2014

Z/2012/1277/F - Alterations to vacant Gaol Wing (Wing A) to facilitate change of use to operational Whiskey Distillery (including ground water abstraction, plant equipment, and all associated works) with tourist/visitor's centre and associated car parking and site works. Tourist facilities to include guided tours, bar and restaurant/cafe. Granted 24 April 2013

Z/2012/1274/LBC - Alterations to vacant Gaol wing (Wing A) to facilitate change of use to operational Whiskey Distillery (Including ground water abstraction, plant equipment and all associated works) with tourist/visitor's centre and associated car parking and site works. Tourist facilities to include guided tours, bar and restaurant/cafe. Granted 25 April 2013.

Z/2014/0729/LBC - Retention of temporary security hut - Granted 19.09.2014

Z/2010/1054/F - Demolition of existing wall and entrance gate and replacement with new wall,

fence and gates, with proposed roadworks - Granted 23.02.2011

Z/2010/0383/F - Refurbishment of gatehouse and main administration building to provide tourist and conference facilities, and associated offices – Granted – 10.08.2010

Z/2009/1573/F - Demolition of an existing 5.0m wall and entrance gate and its replacement with a new wall with fencing on top (5.565m height) and realigned entrance gate, hydraulically

operated and upgrading of external approach – Granted 01.03.2010

Z/2009/1097/LB - Ground works and re-surfacing to external areas – Consent granted 25.09.2009

Z/2009/1095/F - Construction of temporary security hut, re-alignment of rear entrance gate and opening of internal wall – Granted 29.09.2009

Z/2009/1094/LB - Construction of temporary security hut, re-alignment of rear entrance gate and opening of internal wall – Consent granted 23.09.2009

Z/2008/2265/LB- Construction of temporary office accommodation building (33x12m) to the North of "A" Wing to accommodate DSD staff during a refurbishment programme to the main listed structure – Consent granted 14.01.2009

Z/2008/2256/F - Construction of temporary office accommodation building (33x12m) to the North of "A" Wing to accommodate DSD staff during a refurbishment programme to the main listed structure. – Granted 14.01.2009

Z/2006/0608/LB - Repair and restoration works to site façade - Granted 05.07.2006

Z/2004/0202/CD - Demolition of part of the north east boundary wall and inner wall to provide vehicular access for construction traffic. Demolition of non-historic buildings within the curtilage of the Prison – Granted 15.03.2004

5.0 Consultations and Representations

5.1 **Statutory Consultations**

Department for Infrastructure, Roads – no objections.

5.2 **Non-Statutory Consultations**

None necessary.

5.3 **Representations**

The application was advertised on 12th April 2024 and neighbour notified on the 4th May 2024. No representations have been received.

6.0 PLANNING ASSESSMENT

6.1 <u>Development Plan Context</u>

Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 6.2 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
- The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
- The proposal is considered to be in compliance with the Belfast Local Development Plan.

6.5 **Operational Polices**

The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 4.1.

6.6 Proposals Maps

Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the

development process, save for retail policies that relate to Sprucefield which remain contentious.

6.7

Under the adopted BUAP 2001 the site is un-zoned white land. The site is located within the settlement development limit for Belfast as designated by both iterations of Draft Belfast Metropolitan Area Plan 2015 the 2004 and 2015 versions. The site is designated as land for mixed use in both iterations to draft BMAP - BT 009. The site is also located on Arterial Route AR 01/04 – Crumlin Road.

ASSESSMENT

Access and Parking

6.8

Condition 27 of permission LA04/2019/2756/F states:

No retailing or other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 100-03 Rev D, published on Planning Portal 10th April 2020, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6.9

The proposed amended wording of Condition 27 is:

No retailing or other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02, published on Planning Portal 3rd April 2024, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

6.10

The variation of Condition 27 is to include amending the hard surfaced areas constructed and permanently marked. This is to facilitate the new carparking layout of car parks 1 and 2 in tandem with the new parking facilities which are detailed below. The variation of Condition 27 would only relate to the hard surfaced areas within the application site ensuring vehicular and pedestrian safety and access within the site.

6.11

Condition 28 of permission LA04/2019/2756/F states:

The parking facilities detailed above shall be open for use during all hours of business. Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6.12

The proposed amended wording of Condition 28 is:

The parking facilities detailed on approved Drawing No. 02, published on Planning Portal 3rd April 2024 shall be open for use during all hours of business.

6.13

The variation of Condition 28 is to amend the parking facilities within the site including cycle parking, car parking, disabled car parking and bus parking. Permission under LA04/2019/2756/F approved the following parking facilities within car park 1:

- Covered cycle parking: 20 spaces.
- Car parking: 69 spaces
- Disabled car parking: 8 spaces
- Bus parking: 2 spaces

6.14

The proposed parking facilities within car park 1 include: Cycle parking: 32 spaces Car parking: 69 spaces Disabled car parking: 6 spaces 6.15 Bus parking: 2 spaces Permission under LA04/2019/2756/F approved the following parking facilities within car park 2: 6.16 Car parking: 38 spaces The proposed parking facilities within car park 2 include: Car parking: 46 spaces 6.17 Bus parking: 2 spaces The variation of the Condition 28 is to reference the amended plan which details the parking facilities. Across the two car parks, the proposed parking facilities provide more cycle parking, car parking and bus parking. However, there will be 2 less disabled car parking spaces. Although reduced, 6 disabled parking spaces will remain, therefore satisfactory parking provision is in place for disabled car users. 6.18 Condition 29 of permission LA04/2019/2756/F states: The vehicular accesses within the gaol grounds, and, to the public road, including width and visibility, shall be constructed in accordance with Drawing No. 100-03 Rev D, published on Planning Portal 10th April 2020. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 6.19 The proposed amended wording of Condition 29 is: The vehicular accesses within the gaol grounds and to the public road, including width and visibility, shall be constructed in accordance with Drawing No. 02, published on Planning Portal 3rd April 2024. 6.20 The variation of Condition 29 is to amend the vehicular accesses. The proposed vehicular access to the site via the existing access from Cliftonpark Avenue is to remain. Under LA04/2019/2756/F a new car park located to the northern side of the A Wing was approved. This car park is to be reconfigured and sited in a different layout than the previous approval and will accommodate eight more car parking spaces and two additional bus parking spaces. Both the previous approval and the Section 54 application propose the reconfiguration of spaces within the existing car park – labelled as car park 1, which is located between the existing staff cottages and the A Wing. This will accommodate more parking 6.21 spaces. Condition 30 of permission LA04/2019/2756/F states: Covered cycle parking shall be provided in accordance Drawing No. 100-03 Rev D, published on Planning Portal 10th April 2020. Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car. 6.22 The proposed amended wording of Condition 30 is: Cycle parking shall be provided in accordance Drawing No. 02, published on Planning Portal 3rd April 2024. 6.23 The variation of Condition 30 is to amend the cycle parking on the site from being covered to not being covered. As referenced above, there will be 12 more cycle parking

spaces under the new proposal in comparison with the LA04/2019/2756/F approval.

6.24	Condition 31 of permission LA04/2019/2756/F states: The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal 3rd April 2020.
6.25	Reason: In the interests of road safety and the convenience of road users.
	The proposed amended wording of Condition 31 is: The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal 11th June 2024.
6.26	The Service Management Plan provides details on the following: • Description of development proposals.
	 Estimation of the number of service and delivery vehicles expected to frequent the development.
	 Proposed loading/ unloading arrangements. An overview of the service routes to/ from the development.
6.27	Confirms management of the Plan.
6.28	The variation of Condition 31 is to amend the previously submitted Service Management Plan to an updated version including the details being amended in the new wording of the Conditions above and the new proposed site layout plan submitted (drawing number 02). In their response on the 24 th April 2024, Department for Infrastructure Roads offers no objections to the new Service Management Plan.
6.29	The site is located within the City Centre Fringe controlled parking zone in dBMAP. The proposal has been assessed under relevant policies in the Belfast Local Development Plan, Plan Strategy 2035, including: TRAN1 – Active travel – walking and cycling, TRAN2 – Creating an accessible environment, TRAN6 – Access to public roads, TRAN8 – Car parking and servicing arrangements, TRAN9 – Parking standards within areas of parking restraint, TRAN10 – Design of car parking.
6.30	It is considered that sufficient parking is provided within the site in car parks 1 and 2. The variation of Conditions 27, 28, 29 and 30 do not conflict with car parking provisions within Parking Standards.
	The site is well placed in terms of accessibility to a range of alternative and sustainable modes of transport. It is located on an Arterial Route, with provision of cycle parking, access to public transport and is within walking distance to the city centre.
6.31	In their consultation response on the 24 April 2024, DFI Roads offers no objection to the proposal to vary Condition numbers 27, 28, 29 and 30 to reference drawing 02 published on the Planning Portal 3 April 2024; and to vary Condition number 31 to reference the Service Management Plan published on the Planning Portal 11 June 2024. Having had regard to the above and comments from DfI Roads it is considered that the scheme is acceptable and have no objections.
6.32	Historic Environment
	Within the application site is Grade A Listed Building HB26/43/012 Crumlin Road Gaol, designed by Charles Lanyon and constructed in the years between 1840 and 1859. Since 1996 the listed building has been vacant. The original application (LA04/2019/2756/F) was linked to listed building consent LA04/2019/0863/LBC, approved 29 March 2021. HED offered no objections to these proposals subject to conditions including a number of precommencement conditions. Historic Monuments Division offered no objection to the original proposal subject to conditions in relation to the agreement and implementation of

6.3	33	a developer funded programme of archaeological works to identify and record and archaeological remains, in advance of new construction or to provide for their preservation in situ.
		The Historic Environment Division were not consulted on the current application given that the proposed changes to hard surfaced areas, parking facilities, vehicular accessed and cycle parking will have no impact on the existing character and architectural features of the existing listed building. The proposal is considered to comply with relevant parts of the SPPS and Local Development Plan, Plan Strategy 2035 including Policy BH1 – Listed buildings.
7.0	0	Recommendation
7. (7.		Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

DRAFT CONDITIONS:

All condition will require to be repeated.

27. No retailing or other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02, published on Planning Portal 3rd April 2024, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

28. The parking facilities detailed on approved drawing Drawing No. 02, published on Planning Portal 3rd April 2024 shall be open for use during all hours of business.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

29. The vehicular accesses within the gaol grounds and to the public road, including width and visibility, shall be constructed in accordance with Drawing No. 02, published on Planning Portal 3rd April 2024.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

30. Cycle parking shall be provided in accordance Drawing No. 02, published on Planning Portal 3rd April 2024.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

31. The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal 11th June 2024.

Reason: In the interests of road safety and the convenience of road users.

INFORMATIVES:

- The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the planning portal quoting the application reference number.
- This permission is linked to Listed Building Consent LA04/2019/0863/LBC.
- This decision relates to the following approved drawing numbers: 01, 02.
- Please make sure that you carry out the development in accordance with the approved plans
 and any planning conditions listed above. Failure to do so will mean that the proposal is
 unauthorised and liable for investigation by the Council's Planning Enforcement team. If you
 would like advice about how to comply with the planning permission, you are advised to the
 contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.

ANNEX			
Date Valid	01/03/2024		
Date Valla	01/03/2024		
Date First Advertised	12/04/2024		
Data Filot Advortiona	12/01/2021		
Date Last Advertised	N/A		
Duto Edgi Advertised	14/7		
Details of Neighbour Notification (all addre	2555)		
11 CLIFTONPARK AVENUE TOWN PARKS			
13 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DQ			
15 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DQ			
17 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DQ			
19 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DQ			
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31 CLIFTONPARK AVENUE TOWN PARKS	,		
89 CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			
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93 CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			
95 CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			
ELIM CHURCH CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DQ			
FIRST FLOOR 91 CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			
FLAT 1 53 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DR			
FLAT 2 53 CLIFTONPARK AVENUE TOWN			
FLAT 3 53 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DR			
FLAT 4 53 CLIFTONPARK AVENUE TOWN PARKS BELFAST BT14 6DR			
GROUND FLOOR 91 CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			
MATER HOSPITAL CRUMLIN ROAD TOWN PARKS BELFAST BT14 6AD			