

Committee Application

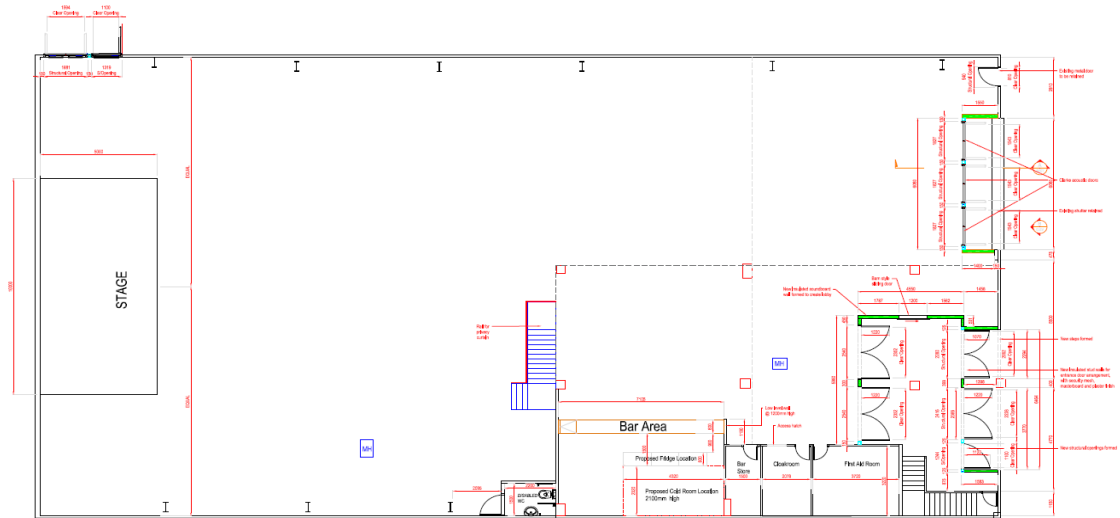
Development Management Report	
Application ID: LA04/2018/2903/F	Date of Committee: Tuesday 11 February 2020
Proposal: Change of use of warehouse and offices to event space / entertainment venue (with ancillary bar) including internal and external alterations.	Location: Arnott's 16-20 Dunbar Street Belfast BT1 2LH
Referral Route: Belfast City Council (Application Site includes Right of Way over BCC Land)	
Recommendation:	Approval
Applicant Name and Address: The Limelight Belfast Ltd 17 Clarendon Road Belfast BT1 3BG	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<p>Executive Summary:</p> <p>Full permission is sought for the change of use of warehouse and offices to an event space including internal and external alterations.</p> <p>The key issues in assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Principle of event space at location • Impact on amenity • Impact on traffic flow and parking • Impact on Conservation Area <p>It is considered that the proposed change of use is compliant with relevant policy and is therefore acceptable, subject to conditions.</p> <p>NI Water, DfI Roads, BCC Estates and Environmental Health were consulted and have no objections, subject to conditions.</p> <p>One objection to the proposal has been received and all the issues raised including noise and outdoor smoking are dealt with in the case officer report.</p> <p>Belfast City Council owns adjacent land and have granted a temporary licence for part of it to be used as an emergency fire escape route for the proposed venue.</p> <p>Recommendation</p> <p>Approval - it is recommended that the application is given temporary approval subject to conditions and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

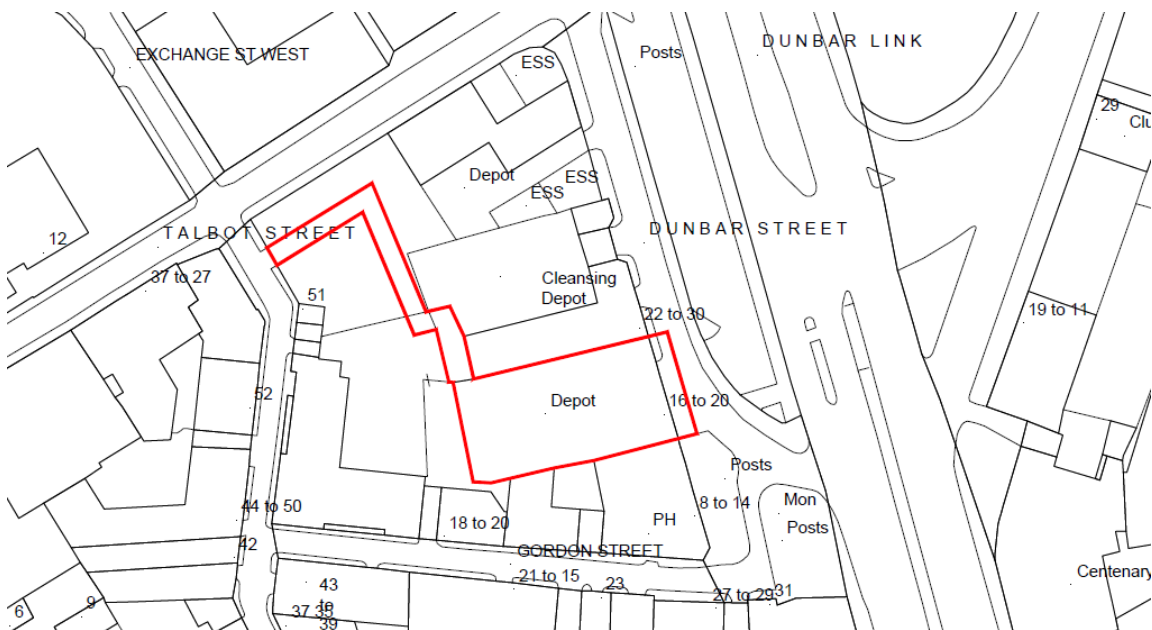
Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application is for full permission for the change of use of a warehouse and offices to an event space including internal and external alterations.

1.2 Proposed Elevations and Ground Floor Plan



<p>2.0</p> <p>2.1</p> <p>3.0</p>	<p>Description of Site</p> <p>The site is located at 16-20 Dunbar Street in Belfast City Centre. It consists of an 882sqm 2-storey warehouse building, currently occupied by Arnott's fruit and veg wholesalers. The area is in mixed use with adjacent uses including a night club and a Belfast City Council cleansing depot. There is a public parking area to the front of the building between Dunbar Street and Dunbar Link, beyond which lies Corporation Street. The site is within the Cathedral Conservation Area.</p> <p>Site Location Plan</p> 
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>4.0</p>	<p>Site History</p> <p>Z/1978/0254 - 16-20 DUNBAR STREET - REPLACEMENT OF BOMB-DAMAGED WAREHOUSE - PERMISSION GRANTED</p>
<p>5.0</p>	<p>Policy Framework</p> <p>BUAP 2001 Draft Belfast Metropolitan Area Plan 2004 Version of Belfast Metropolitan Area Plan published 03.09.14 Strategic Planning Policy Statement (SPPS) Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 4: Planning Policy Statement 6: Planning, Archaeology and the Built Environment</p>
<p>6.0</p>	<p>Statutory Consultees Responses</p> <p>NI Water - No objection</p>

7.0	<p>Non-Statutory Consultees Responses</p> <p>DfI Roads</p> <ul style="list-style-type: none"> - No objection <p>BCC Environmental Health</p> <ul style="list-style-type: none"> - No objection <p>BCC Estates</p> <ul style="list-style-type: none"> - No objection
8.0	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. One objection (with additional comment) has been received. A summary of the issues raised is as follows:</p> <ul style="list-style-type: none"> - Inadequate noise testing and noise mitigation measures - No provision of a smoking area or a waste storage area - No construction, traffic safety or crowd control management plans - Anti-social behaviour created by the development - Impact on adjacent Salvation Army Night Shelter residents - No demonstration of need for the proposed development - Concern about structural adequacy of the building (including asbestos sheeting) and impact of proposed changes <p>A response to the issues raised is provided below (paragraph 10.20).</p>
9.0	<p>Other Material Considerations</p> <p>None</p>
10.0	<p>Assessment</p>
10.1	<p><u>Plan Status/Relevant Policy/Constraints</u></p> <p>The extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
10.2	<p>The site is within the development limit of Belfast as designated in both the BUAP and the draft BMAP. The site falls within the Belfast City boundary, Core Area of Parking Restraint, Cathedral Conservation Area and the Scotch and Cathedral Quarters Character Area in the draft BMAP. The proposed use generally falls within Class D1 Assembly and Leisure with respect to the concert hall function whilst the bar element is a sui generis use. As the site is not zoned for any specific use the proposal is not contrary to the development plan.</p>
10.3	<p><u>SPPS</u></p> <p>The Strategic Planning Policy for Northern Ireland (SPPS) is a material consideration for all decisions on individual planning applications and provides general policy context.</p>
10.4	<p>Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the</p>

	development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
10.5	Paragraph 6.270 of the SPPS advises that its aim is to support and sustain vibrant town centres through their promotion as the first choice for retailing and other complementary functions. The SPPS advocates a town centre first approach for the location of future retailing and other main town centre uses. Footnote 58 Page 101 indicates “other town centre uses” includes leisure. The Concert Hall element of the proposal falls within Class D1 Assembly and Leisure. Given that the proposed site is within the City Centre boundary the leisure use is compliant with the SPPS.
10.6	<p><u>Consideration</u> The main issues for the assessment of this proposal are:</p> <ul style="list-style-type: none"> • Principle of event space at location • Impact on amenity • Impact on traffic flow and parking • Impact on Conservation Area
10.7	<p><u>Principle of Event Space at Location</u> The proposal is for the change of use of a warehouse and associated offices to an event space including internal and external alterations. The Agent has indicated that the space will be used for live music concerts; live comedy; live podcast recordings and TV/Film recordings with a maximum to two events per week. The proposed use generally falls within Class D2 Assembly and Leisure (Concert Hall). The bar function is a sui generis use. As the site is not zoned for any specific use the proposed use is not contrary to the development plan. An events venue will of course have associated impacts such as noise, disturbance and event management which must be considered.</p>
10.8	The ground floor internal alterations include demolishing internal walls and a mezzanine deck and creating a stage, bar area, foyer and cloakrooms. The first floor is to be reconfigured to create toilet areas and staff offices/facilities. External alterations include new and reconfigured entrance openings to the front elevation and a new emergency exit on the right hand side elevation.
10.9	Paragraphs 4.11 and 4.12 of the SPPS require consideration to be given to amenity impacts arising from development including health and well-being, design and general nuisance. Policy PED 9 of PPS 4 Planning and Economic Development sets out general criteria which provides useful guidance for sui generis uses with (a), (b), (c), (e)€, (g) and (h) of particular relevance with respect to compatible land use. Residential amenity, natural and built heritage, noise nuisance and adequate traffic and servicing arrangements.
10.10	Surrounding land uses to the site include a cleansing depot, night club/entertainment outlets and office development. There is apartment development 40m to the west of the site on Hill Street, a Salvation Army Hostel 65m to the south-east on Victoria Street and a Ramada Hotel 75m to the north on Talbot Street. Due to the mixed use and commercial nature of the area the proposal is considered to be compatible with surrounding land uses, subject to mitigating measures to protect nearby residents from noise emissions.
10.11	

10.12	<p>The existing building is not listed and is of no particular architectural merit. The proposed external alterations to the building are minor and acceptable. See paragraph 10.13 below re potential noise nuisance, emissions etc. See paragraph 10.16 below re impact of the proposal on the existing road network, access arrangements, parking impact etc.</p>
10.13	<p>Subject to acceptable impact on amenity and traffic flow/parking, the proposed change of use and associated external alterations are considered to be compliant with the SPPS and PPS4.</p>
10.14	<p><u>Impact on Amenity</u> The submitted Noise Impact Assessment details a capacity within the venue for up to 1600 patrons. The Agent has advised that no more than 2 events per week would be held at the venue. The Noise Assessment indicates that on a weekday these would not operate outside of licensing hours (1.00hours) whilst at weekends or public holidays an event can run up until 2.30hrs. The applicant has not provided an Event Management Plan therefore it is recommended that a Condition be attached requiring that such a Plan be submitted and agreed in writing with the Council prior to the approved use becoming operational.</p>
10.15	<p>The Council's Environmental Health Service was consulted with regard to the proposal and its impact on general amenity. Initially it responded with concerns about the impact of noise associated with the proposed development on nearby noise sensitive premises. A Noise Impact Assessment was subsequently submitted and on review EH advised that it still had concerns and requested clarification and additional information relating to the noise mode used in the NIA, monitoring period, door performance data etc.</p>
10.16	<p>Following discussions relating to the emergency fire escape route (see below) a revision to the NIA was submitted. On re-consultation EH advise that it has reviewed the revised NIA and additional information from the Noise and Acoustic Consultants, and has no further objection to the proposal subject to conditions.</p>
10.17	<p><u>Impact on Traffic Flow</u> DfI Roads was consulted and offered no objection in terms of potential impact on traffic flow or public safety. A condition relating to the prevention of doors and windows opening over the public road/footway was requested.</p>
10.18	<p><u>Impact on Conservation Area</u> The application site falls within the Cathedral Conservation Area. The Conservation Officer was consulted for comment and responded that the existing building has little architectural merit with roller shutter doors and PVC/wooden windows. The exterior change is a minor alteration. It is considered that the alteration is an improvement from what already exists to the front elevation. Therefore, it would be difficult to conclude that the development would have a detrimental impact on the character of the Conservation Area. The proposal is therefore considered compliant with Policy BH 12 of PPS 6 relating to New Development in a Conservation Area.</p>
10.18	<p><u>Fire Escape Route</u> Although a Building Control matter rather than planning per se, an issue arose relating to the fire escape route originally proposed by the applicants. This proposed a route from the proposed additional new side exit through the adjoining BCC cleansing depot. BCC Estates advised that it would not be able to consent to any request for an emergency access over the depot land to serve the proposed event space, as the site would not be safe for the proposed use. Representatives for the applicant entered into negotiations with BCC regarding the emergency exit arrangements and following a site meeting on 09 May 2019 an agreement was reached in which an escape route through the car park to</p>

10.19	<p>the west of the site was agreed. A revised site location plan was submitted to reflect this and BCC Estates confirmed that a temporary licence had been granted over its land to accommodate this route. The Licence has only been granted on a temporary basis given long term redevelopment opportunity of the land.</p> <p>It is recommended that planning permission be temporary to align with the Licence Agreement for a Right of Way over BCC land as any modified access arrangements may require updated assessment.</p>
10.20	<p><u>Response to Issues Raised by Objector</u></p> <p>The Council's Environmental Health Unit considered the Noise Impact Assessment submitted by the applicants and having made recommendations to mitigate noise emissions is satisfied that neighbouring residents (including the Salvation Army shelter residents) will not be adversely affected by the proposed development, subject to conditions.</p> <p>Outdoor smoking regulations apply and it is considered that compliance with these regulations will not result in any adverse impact on neighbouring amenity.</p> <p>There is no requirement for a construction management plan for development of this scale.</p> <p>DfI Roads was consulted and offers no objection to the proposal and did not request any traffic management plan.</p> <p>No evidence has been submitted to support the concern that the proposal will lead to anti-social behaviour. A condition has been recommended that the operator submit an Event Management Plan to Council for agreement prior to the new use becoming operational and the premises be operated accordingly.</p> <p>Policy directs complementary town centre uses (including leisure) to city / town centre locations, it is therefore considered that a development such as the proposal is suitable and compatible with the locality.</p> <p>The structural requirements of the Building Regulations will apply to any parts of the building affected by any increase in imposed loading resulting from the change of use and any new structures proposed.</p> <p>As part of the Entertainment Licensing application a Structural floor certificate must be submitted. This is a structural certificate together with relevant structural calculations confirming that the floors of the premises satisfy the requirements of BS 6399: Part 1 1996; Loading for Buildings; Part 1 Code of Practice for Dead and Imposed loads.</p> <p>With regard to the asbestos sheeted roof covering, the applicant has proposed to encapsulate this to protect patrons in the building. With regard to the impact on neighbouring properties, consideration would be within the remit of Environmental Health.</p>
10.21	<p><u>Conclusion</u></p> <p>The proposed change of use is considered compliant with relevant policy and therefore acceptable, subject to conditions. Approval recommended.</p>
11.0	<p>Summary of Recommendation: Approval</p>

12.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The permission hereby granted shall be for a limited period of 2 years only from the date of this decision notice. Reason: To enable the Council to consider the development in the light of circumstances then prevailing. 2. Windows or doors shall not open out over the public road, verge or footway. Reason: In the interest of pedestrian safety, road safety and convenience of road users. 3. The event space hereby approved shall include the acoustic mitigation measures as detailed within the F.R. Mark Noise Report, titled: 'Response to Belfast City Council Environmental Health Service Regarding Noise Impact Assessment for proposed change of use from existing commercial warehouse to Entertainment Premises, Dunbar Street, Belfast,' prepared by F.R. Mark & Associates, Noise and Acoustic Consultants, dated November 2019. Reason: Protection of human health and residential amenity. 4. The Music Noise level associated with the development hereby permitted shall be set to ensure that the resulting dB LAeq at the façade of nearby noise sensitive premises does not exceed the background dB LA90 level without entertainment noise present, in each octave band. Reason: Protection of human health and residential amenity. 5. Prior to the approved use becoming operational, an Event Management Plan will be submitted to Belfast City Council for agreement in writing. The development shall operate in accordance with the approved Event Management Plan thereafter. Reason: Protection of human health and residential amenity.
13.0	<p>Informatives</p> <ol style="list-style-type: none"> 1. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is: Belfast North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH. A monetary deposit will be required to cover works on the public road. 2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent roads by vehicles travelling to and from the construction site. Any mud or debris deposited on the road must be removed immediately by the contractor.

	<p>3. All construction plant and materials shall be stored within the curtilage of the site.</p> <p>4. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.</p> <p>5. The grant of planning permission by the Council relating to Council land does not confer the right to use the land, which should be sought separately.</p> <p>6. Clean Neighbourhoods and Environment Act (NI) 2011</p> <p>Where Belfast City Council is satisfied that a statutory noise nuisance exists, the Council has a duty to serve a Noise Abatement/Prohibition Notice on the Licensee as the person responsible of the premises from which the nuisance arises.</p> <p>Patron noise associated with the development should be suitably managed and controlled to ensure that residential premises are not disturbed by noise.</p> <p>7. Noise Act 1996</p> <p>The Noise Act 1996 applies to night-time noise between 11pm to 7am. Where excessive noise from an offending premises affects a residential premises, a Warning Notice can be served. Failure to comply with the permitted level can result in a fixed penalty fine of £500 or prosecution in the courts.</p> <p>8. The Smoking (NI) Order 2006</p> <p>The applicant is advised to ensure that the designated smoking area is suitably managed and controlled to prevent noise, anti-social behaviour or litter causing disturbance or loss of amenity.</p> <p>9. The Local Government (Miscellaneous Provisions) Order 1985</p> <p>The applicant is reminded that disturbance by noise is a material consideration in the granting of any Entertainment Licence deemed necessary by Belfast City Council.</p>
Notification to Department (if relevant)	
N/A	
Representations from Elected members:	
N/A	