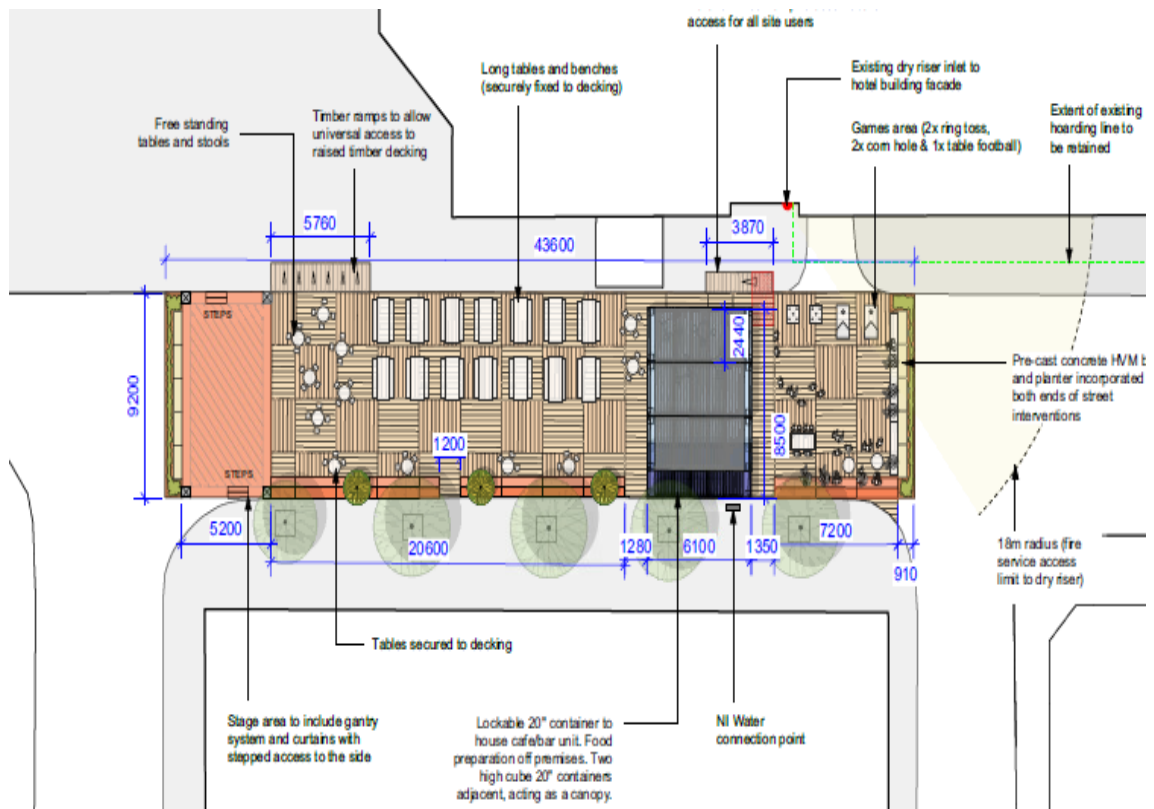
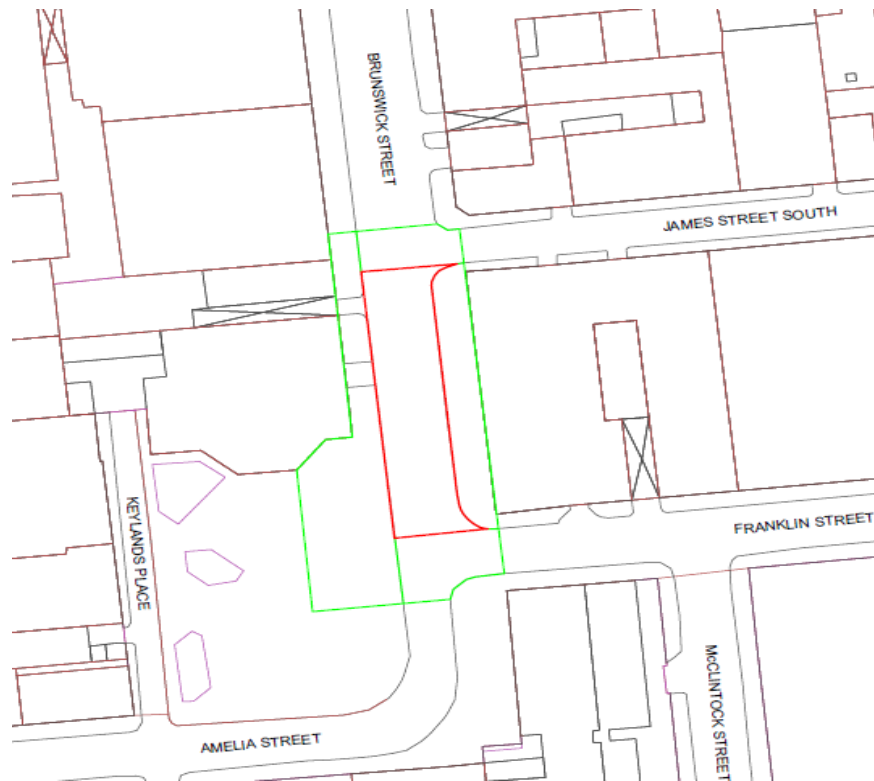


Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2020/2469/F	Committee Meeting Date: 20 th April 2021
Proposal: Planning permission is sought for temporary change of use of public road for a pedestrianised public space to include cafe/bar/storage container/canopy areas, performance stage, outdoor seating and associated works.	Location: Land covering the road surface on Brunswick Street between the James Street South junction and Franklin Street Junction.
Referral Route: BCC funded project.	
Recommendation: Approval Subject to Conditions	
Applicant Name and Address: Belfast Central Business District (BID) Ltd 7 Donegall Square West Belfast BT1 6JH	Agent Name and Address:
Executive Summary: The application seeks temporary planning permission for change of use of public road for a pedestrianised public space to include cafe/bar/storage container/canopy areas, performance stage, outdoor seating and associated works. The key issues to be considered are: <ul style="list-style-type: none"> - Acceptability of use on site - Impact on road - Impact on the Surrounding Character; - Odour and Noise The proposed change of use will not adversely impact the character and appearance of the surrounding area. The proposed temporary use of the site for entertainment and food and drink consumption will add variety to an area that is dominated by the same use type. No objections have been received. <u>Recommendation – approval subject to conditions</u> Having had regard to the extant development plan, the draft development plan, relevant planning policies, and other material considerations the proposed development is considered to be acceptable for a temporary period. Approval is recommended, it is requested delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	Planning permission is sought for the temporary change of use of public road for a pedestrianised public space to include cafe/bar/storage container/canopy areas, performance stage, outdoor seating and associated works.
2.0	Description of Site.
2.1	The site is currently public road and parking bays located on Brunswick Street between the junctions of James Street South and Franklin Street.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
	No relevant planning history on site.
4.0	Policy Framework
4.1	<p><u>Planning policy framework and guidance included:</u></p> <p>Belfast Urban Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2015</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now 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 still carry weight and 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> <p>SPPS for Northern Ireland Planning for a Sustainable Environment</p> <p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and The Built Heritage</p>
5.0	Statutory Consultee Responses
	<p>DfI Roads Service – no objection with condition</p> <p>NI Water – no objection</p>
6.0	Non-Statutory Consultees Responses
	BCC Environmental Health – no objection with conditions
7.0	Representations
7.1	The application has been neighbour notified (21) and advertised in the local press. No third party representations have been received.
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	<p>Principle of development:</p> <p>The site is within the settlement limits and city centre within the BUAP and the 2004 dBMAP. The site is also within the Linen Conservation Area. The presumption is in favour of development within the settlement limit and the SPPS advises that planning permission ought to be granted for sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance. The principle of developing the site is considered to be acceptable subject to compliance with other material considerations as set out below.</p>

9.2	<p>Acceptability of use on site:</p> <p>The site is within the existing development limits of the city and therefore there is a presumption in favour of development within these limits. The character area is the Commercial District (dBMAP CC007) the area therefore is dedicated to commercial uses. The site is surrounded by commercial uses including hotels, retail services, shops, offices and restaurants. The proposed temporary public space with café/bars and outdoor seating will complement these adjoining uses and are considered an acceptable form of development within the area.</p>
9.3	<p>Impact on conservation Area:</p> <p>Advice was sought from the Council's conservation team regarding potential impacts. Given that it is a new form of development that is of a modern design and using materials and structures not associated with the conservation area the conservation team was unable to support all elements of the development, however the majority of the scheme was considered acceptable in principle. Notwithstanding the comments from the conservation team it is considered that the development is for a time limited duration and is designed to attract patrons to the city and contribute to the variety of attractions already within the city. It is considered by officers that the proposal, not being of a permanent nature, will not cause unacceptable impact and on balance is considered acceptable for a time limited period.</p>
9.4	<p>Road Issues:</p> <p>DfI offered no objection to the development subject to the inclusion of a planning condition requiring prior agreement for road closure is secured.</p>
9.5	<p>Impact on Surrounding Character:</p> <p>The proposal results in minimal changes to the surrounding character, exhibiting features of a temporary nature that will result in no permanent change. The use of the development is solely for entertainment within an area that already has established entertainment venues. It is the opinion of officers that the proposal will not result in any permanent detriment to the surrounding character.</p>
9.6	<p>Odour and Noise:</p> <p>Environmental Health Service considered the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. A noise report for the proposed development was considered and EHS offered no objection subject to relevant conditions. In regards to potential odour issues EHS requested a condition be included requiring the installation of a proprietary odour abatement system be installed</p>
9.7	<p>Conclusion:</p> <p>The proposal is considered on balance to be acceptable, the temporary use will not have a permanent impact on the surrounding character and the development has the potential to offer the city a further attraction for visitors.</p>
10.0	<p>Summary of Recommendation: Approval Subject to Conditions</p>
10.1	<p>Having regard for the policy context and the considerations above, the proposal is deemed acceptable.</p> <p>Summary of Recommendation: Approval</p> <p>It is requested delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.</p>
11.0	<p>Conditions and Informatives</p>

	<p>1. The permission hereby granted shall be for a limited period of 2 years only and shall expire on 19th April 2023.</p> <p>Reason: To enable Council to consider the development in light of circumstances then prevailing.</p> <p>2. The structures hereby permitted, shall be removed on or before 19th April 2023</p> <p>Reason: This type of temporary structure is such that their permanent retention may harm the surrounding character and amenity if retained as a permanent structure.</p> <p>3. Prior to the, hereby approved, development becoming operational a Management Plan shall be submitted to and agreed by Council detailing the arrangements for patron supervision and the control of noise associated with patrons and amplified/non-amplified sound.</p> <p>Reason: To protect the amenity of adjacent properties.</p> <p>4. The development hereby permitted shall not be commenced until the procedures necessary for the closure of the road have been completed and appropriate traffic signage has been erected.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p>

ANNEX	
Date Valid	13 th January 2021
Date First Advertised	29th January 2021
Date Last Advertised	
Elected representative Interest: None	
Neighbours notified & Advertised : 21 Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01 Site Location Plan 02A General Arrangement 03 Sections 04 Levels Plan	
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department:	