

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2021/2095/F	<b>Date of Committee:</b> 12 <sup>th</sup> April 2022
<b>Proposal:</b> Change of use of warehouse and offices to public house (linked to existing adjacent public house) and entertainment venue/events space including street food market for on premises consumption (part retrospective).	<b>Location:</b> Common Market, 16-20 Dunbar Street, Belfast, BT1 2LH
<b>Referral Route:</b> Belfast City Council (Application Site includes Right of Way over BCC Land)	
<b>Recommendation:</b>	<b>APPROVAL</b>
<b>Applicant Name and Address:</b> Carlisle Inns Ltd Linenhall Exchange 1 <sup>st</sup> Floor, 26 Linenhall Street Belfast	<b>Agent Name and Address:</b> HR Jess / Cochrane Planning and Development 1 Jordanstown Road Newtownabbey BT36 0QD
<p><b>Executive Summary:</b> Full permission is sought for the change of use of warehouse and offices to a public house (linked to existing adjacent public house) and entertainment venue / events space including street food market for on premises consumption (part retrospective).</p> <p>The key issues in assessment of the proposed development are:</p> <ul style="list-style-type: none"> <li>• Principle of public house and event space at this location</li> <li>• Impact on amenity</li> <li>• Impact on traffic flow and parking</li> <li>• Impact on Conservation Area</li> </ul> <p>The site is located within Belfast City Centre boundary and unzoned whiteland within both the BUAP and dBMAP.</p> <p>The proposal would constitute an appropriate city centre use which proposes minimal external changes and as such it would preserve the character and appearance of Cathedral Conservation Area. Subject to the proposed mitigation measures, it is not considered to adversely impact the amenity of neighbouring properties. There is currently an extant temporary planning permission on the site for an event space under reference LA04/2018/2903/F.</p> <p>Historic Environment Division (HED), NI Water, DfI Roads, BCC Estates and BCC Conservation Officer were consulted and have no objections, subject to conditions. The BCC Environmental Health consultation response remains outstanding however it is not considered that the proposal presents any in principle issues and amenity issues can be adequately addressed via conditions. Their response will be reported as an update to committee.</p> <p>No representations have been received.</p> <p>Belfast City Council owns adjacent land and are in the process of granting a temporary licence for part of it to be used as an emergency fire escape route for the proposed venue. This application has been recommended for temporary approval only to align with that of</p>	

temporary licence to ensure that the proposal doesn't prejudice future redevelopment of adjoining sites.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.

**Recommendation – Approval subject to conditions**

It is recommended that the application is given temporary planning approval for a period of 2 years and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.

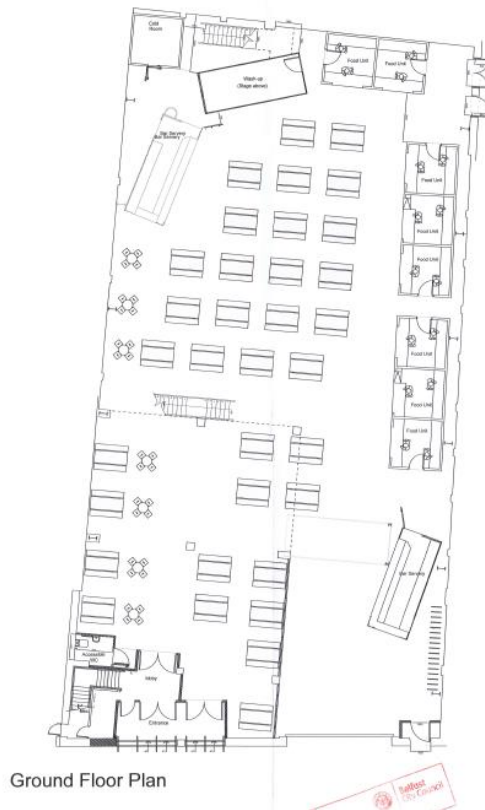
**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

1.1 Change of use of warehouse and offices to public house (linked to existing adjacent public house) and entertainment venue/events space including street food market for on premises consumption (part retrospective).

**1.2 Proposed Elevations and Floor Plans**

1.3



1.4

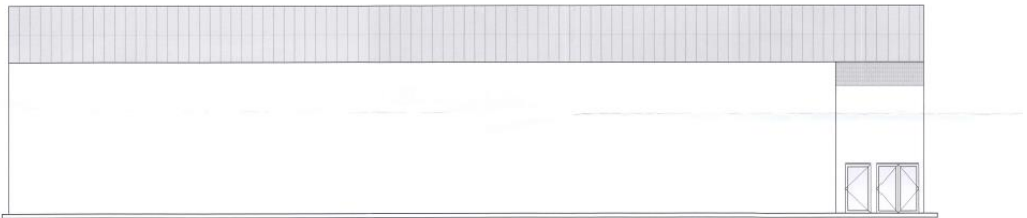


First Floor Plan

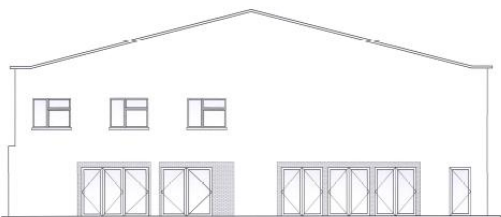
1.5



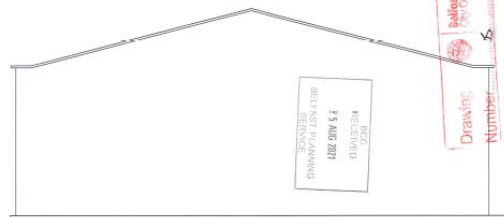
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

2.0

**Description of Site**

2.1

The site is located at 16-20 Dunbar Street in Belfast City Centre. It consists of an 870sqm 2-storey warehouse building, currently occupied by the Common Market located in the old Arnott's fruit and veg wholesalers building. The area is mixed use with adjacent uses including a night club and a Belfast City

<p>2.2</p>	<p>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>
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**Planning Assessment of Policy and other Material Considerations**

<p>3.0</p>	<p><b>Site History</b></p>
<p>3.1</p>	<p>Z/1978/0254 – 16-20 Dunbar Street – Replacement of bomb damaged warehouse – Permission Granted</p> <p>LA04/2018/2903/F - 16-20 Dunbar Street, Belfast, BT1 2LH - Change of use of warehouse and offices to event space including internal and external alterations [amended site location plan to show fire escape route] – Granted temporary approval, 25<sup>th</sup> February 2020</p> <p>LA04/2021/0291/CA – 16- 20 Dunbar St, Unauthorised change of use – Under investigation</p>
<p>4.0</p>	<p><b>Policy and Legislative Framework</b></p>
<p>4.1</p>	<p>Belfast Urban Area Plan (BUAP)</p>
<p>4.2</p>	<p>Draft Belfast Metropolitan Plan 2015 (pre-inquiry) (dBMAP 2015 v2004)          Draft Belfast Metropolitan Plan 2015 (post-inquiry) (dBMAP) 2015 v2014          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 still carry weight and are a material consideration</p>

	in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage that Draft BMAP had reached including modification after independent examination, the most recent version of Draft BMAP is considered to hold significant weight.
4.3	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 4 Planning and Economic Development</p> <p>PPS 6 Planning, Archaeology and the Built Heritage</p> <p>DCAN 7 Public Houses</p> <p>DCAN 4 Restaurants, Cafes and Fast food outlets</p>
4.4	<p>Section 104 of the Planning Act (Northern Ireland) 2011</p> <p>"Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises."</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objection, subject to conditions
5.2	NI Water – No objection
5.3	Historic Environment Division – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – Outstanding, to be reported as an update to committee
6.2	BCC Estates – No objection
6.3	BCC Conservation area officer - No objections in principle, however some issues noted
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
<b>8.0</b>	<b>Assessment</b>

8.1	<u>Plan Status/Relevant Policy/Constraints</u>
8.1.2	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 Centre 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 entertainment / event space element whilst the public house / bar and hot food 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.
8.2	<u>SPPS</u>
8.2.1	The Strategic Planning Policy for Northern Ireland (SPPS) is a material consideration for all decisions on individual planning applications and provides general policy context.
8.2.2	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practise this means that development which accords with an up-to-date development plan should be approved and proposed development which conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
8.2.3	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 and entertainment. The proposed uses are considered compliant with the SPPS in this regard.
8.3	<b>Principle of a Public House in this location</b>
8.3.1	The proposal is for the change of use from warehouse and offices to a public house (linked to the adjoining public house) and entertainment venue/events space including street food market for on premises consumption. There is an extant approval on the site for an entertainment venue/event space with an associated bar which was granted 2 year temporary approval under application LA04/2018/2903/F; this approval expires in August 2022.
8.3.2	The public house and hot food element of the proposal is classed as sui generis, whilst the entertainment venue/events space element would be classed as D2 Assembly and Leisure. The site is not zoned for a specific use and therefore, is not contrary to the development plan.
8.3.3	There are minimal internal alterations proposed; the ground floor will house the bar and street food market and can also be used for the entertainment/event space. The mezzanine first floor has been converted for toilets and staff offices/facilities.
8.3.4	The external alterations proposed include providing new openings/door frames on the front elevation, which fronts onto Dunbar Street. This will involve removing the existing roller doors associated with the warehouse and installing new doors on the front and side elevations.
8.3.5	Paragraphs 4.11 – 4.12 of the SPPS consider the safeguarding of residential and

	<p>work environments. It requires the planning system to consider all ways to minimise the potential adverse impacts such as noise/light pollution on sensitive receptors. Policy PED 9 of PPS 4: Planning and Economic Development has a general list of requirements for economic development including sui generis uses with criterion (a), (b), (c), (e), (f) and (g) being of particular relevance in this case. These points seek to ensure the land use is compatible with the surrounding area, reduce the impact on residential amenity, built heritage and noise nuisance and ensure access arrangements are acceptable.</p>
8.3.6	<p>The surrounding land uses include a cleansing depot to the north and the associated public house immediately to the south and office developments. There is an apartment block approximately 40m to the west of the site on Hill Street, a Salvation Army Hostel approximately 70m south-east of the site on Victoria Street and the Encore Hotel and apartments at St. Anne's approximately 80m north on Talbot Street. Given the mix of uses in the surrounding area, the proposed use of a public house, street food kitchen and entertainment/event space is considered to be acceptable subject to mitigating measures to protect the nearby residential uses.</p>
8.3.7	<p>The existing building does not exhibit any architectural features which warrant protection, the proposed external alterations are considered to be minor and acceptable.</p>
8.4	<p><u>Impact on Amenity</u></p>
8.4.1	<p>The Council's Environmental Health Team have been consulted regarding the proposal and the potential impact on the amenity, noise, odour and general nuisance.</p>
8.4.2	<p>A noise impact assessment report was submitted with the proposal and concluded that the predicted noise levels of the venue were much lower than the existing levels recorded in the vicinity. The proposed noise impact assessment addressed the difference from the previous approval which was for <i>'concerts and late night dancing compared to the provision for background/mid-ground noise levels in the form of either recorded music/DJ or a small band/singer/performer for the current proposal. The report states that 'entertainment will be at a level such that diners/patrons can maintain conversations whilst the music is playing'</i>. It should also be noted, that the applicant advised that the previous licence had approval for 1500 people compared to the licence for 360 for the proposal. This is a considerable reduction.</p>
8.4.3	<p>This means the internal noise levels would be significantly lower than that assessed under the previous application. As such, given the reduction in internal noise levels from the existing approval, the current proposal would be considered acceptable.</p>
8.4.4	<p>An Odour Impact Assessment report was submitted with the application; the report notes that a high level of odour control is required at this site given the proximity to local sensitive receptors. Given the variety of food sold including ice cream, pizza, Mexican food and fried chicken, it was not possible to group the premises into one food type so the worst case scenario of 'Very High' was selected so as to assume the worst case scenario.</p>
8.4.5	<p>The report states that <i>'the site has installed 8No. individual canopy hoods for each unit. The extract ducts for each of the units are connected to a main extraction system and subsequently, vented to the rear of the building by means of external ductwork which terminates 1m above the eaves height.'</i> Each canopy is also fitted with a grease filter.</p>
8.4.6	<p>Mitigation measures in the form of installing an appropriately rated activated carbon filter system for each of the hot food units or a central carbon filter system were proposed. It was noted that should these be installed along with the extract ducts and grease filters to terminate 1m above the eaves height, it would be considered that the overall odour impact potential would be anticipated to be low.</p>

8.4.7	Whilst the final consultation response from BCC Environmental Health remains outstanding, given the previous planning history for the event space, decrease in the numbers proposed, conclusions of supporting reports, it is not considered that the proposal presents any issues of principle and conditions will ensure that the amenity of neighbouring properties will be adequately protected.
8.5	<u>Impact on Traffic Flow</u>
8.5.1	DfI Roads were consulted and offered no objection to the proposal subject to three conditions which were requested. The conditions referred to a Service Management Plan, the reinstatement of the footpath and permanent removal of the redundant vehicular access and that doors and windows did not open out onto the public footpath, to ensure the safety of pedestrians and convenience of road users.
8.6	<u>Impact on the Conservation Area</u>
8.6.1	The site sits within the Cathedral Conservation Area and as such, the Council's Conservation officer was consulted. They have advised that the building is of limited architectural and historical merit/ significance to the character and appearance of the Conservation Area. The external changes are minimal and would have a limited impact on the conservation area in terms of the character and amenity of the area.
8.6.2	Although the changes are minor, the Conservation officer has noted that it may be beneficial to seek timber frames for windows and aluminum doors for architectural unity within the conservation area and that the 'Arnotts' sign resonates with the historical trader of the city and would be worthwhile keeping, to retain the historical link. It is noted that the 'Arnotts' has already been removed and replaced. Furthermore, the elevational treatment of the building is the same as that which was considered acceptable and approved under application LA04/2018/2903/F, therefore it would be unreasonable to request these changes.
8.6.3	Overall, the proposal is considered to preserve the character and appearance of the Conservation Area and is compliant with Policy BH12 of PPS 6 and Section 104 of the Planning Act 2011.
8.7	<u>Fire Escape Route</u>
8.7.1	The proposed fire escape route is to mirror that which was agreed under application LA04/2018/2903/F. BCC's Estate Office have advised that they are negotiating a new licence agreement with a proposed term of 18 months and then a month to month agreement. As such, it is recommended that the planning permission is granted temporary approval to reflect this proposed licence agreement for the fire escape route over BCC land, as per the previous approval.
<b>9.0</b>	<b>Summary of Recommendation: Approval subject to conditions</b>
9.1	Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved. It is recommended that the application is given temporary planning approval for a period of 2 years and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.
<b>10.0</b>	<b>Conditions</b>
10.1	The permission hereby granted shall be for a limited period of 2 years only from the date of this decision notice.



10.2	Reason: To enable the Council to consider the development in light of the circumstances then prevailing.
	The Service Management Plan, for the existing adjacent public house, shall be applied, with appropriate amendments if necessary, to the development proposal.
10.3	Reason: In the interests of road safety and the convenience of road users.
	Windows or doors shall not open out over the public road, verge or footway.
10.4	Reason: In the interest of pedestrian safety, road safety and convenience of road users.
	Within one month of the decision, an Event / Venue Management Plan will be submitted to Belfast City Council for agreement in writing. The development shall operate in accordance with the approved Event / Venue Management Plan thereafter.
	Reason: Protection of human health and residential amenity.
<p><b>Notification to Department (if relevant)</b> N/A</p>	
<p><b>Representations from Elected members:</b> N/A</p>	