

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

25th February, 2022

SPECIAL MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet both in person and remotely via Teams on Wednesday, 2nd March, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

RONAN CREGAN

Deputy Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Declarations of Interest

2. Planning Application

- (a) 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 (Pages 1 - 22)

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Development Management Report Committee Application

Summary	
Committee Meeting Date: 02 March 2021	Item Number:
Application ID: LA04/2021/2299/F	Target Date: 22/04/2022
Proposal: 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.	Location: Unit's 34 61 & Mall 01-K9 Castlecourt Shopping Centre Royal Avenue Belfast BT1 1DD
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Wirefox Castle Property Limited 2 Downshire Road Holywood BT18 9LU	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Executive Summary: The site is located within Belfast City Centre and comprises frontage units within the Castle Court shopping centre on Royal Avenue. The site includes vacant retail units on the ground, first, and second floors and was largely last occupied by Debenhams Department store. The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> • The principle of loss of retail space and proposed uses at this 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; • Developer contributions 	

The site is within the City Centre in the BUAP 2001 and both versions of draft BMAP. It is also within the Primary Retail Core within both dBMAP versions, and Primary Retail Frontage with draft BMAP v2014.

The site is located adjacent the City Centre Conservation Area.

The proposal comprises alterations to facilitate a change of use from retail with the upper floors to entertainment uses, and reconfigurations/subdivision at ground floor to facilitate two retail units and a café adjacent to the main entrance to the shopping centre.

The proposal comprises City Centre uses as defined in the SPPS and therefore complies with this aspect of the policy which promotes a "City Centre first" approach for retail and leisure uses. It is 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 proposed physical alterations are largely internal within the existing shopping centre fabric, which do not require planning permission. However, some external alterations are necessary to the external facades to facilitate the proposal including the introduction of new glazing, doors, louvres, and shopfronts. The Council's Conservation Officer has been consulted on the application and has no objections, concluding that the existing Castlecourt façade is not considered to be of heritage value. The proposed changes are considered sensitively designed and appropriate for the existing building and surrounding context. 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, City Centre location, the nature of surrounding similar uses, and lack of any sensitive uses nearby, it is not considered that the proposal will result in any adverse amenity impacts. BCC Environmental Health has no objections to the proposal in terms of land contamination, or odour issues subject to conditions. However, at the time of writing they are considering further information submitted by the applicant in relation to potential noise impacts.

As it currently stands, NIW has recommended refusal based on the information provided, however, further information has been provided by the applicant to NIW under the Pre-Development Enquiry (PDE) process. The applicant is seeking to demonstrate that a reduction in overall footfall to the units and net reduction in discharge rates is achievable from the site. Officers advise that account must also be taken of the existing use and operations, associated discharge rates and significant number of unimplemented permissions across the city.

The Council has subsequently received verbal indications from NIW that it will remove its objection to the planning application and that a condition will be necessary to resolve stormwater capacity prior to the development becoming operational. This is consistent with recent correspondence between NIW and the applicant, which the Council has had sight of. The officer recommendation is therefore subject to NIW formally withdrawing its objection. NIW have been re-consulted accordingly. Following NIW's response, further consultation with DFI Rivers will be necessary to confirm compliance with PPS15 FLD3.

No objections have been received from any other consultees.

No representations have been received from the public or third parties.

The applicant advises that scheme comprises an investment of circa £10.8 million. In addition, the development would create up to 125 no. jobs during the construction phase, and up to 130 no. full time and part-time jobs post completion. Importantly, the proposal would also see

reoccupation of what once was the anchor store for Castlecourt shopping centre, attracting footfall, and supporting Castlecourt and wider City Centre.

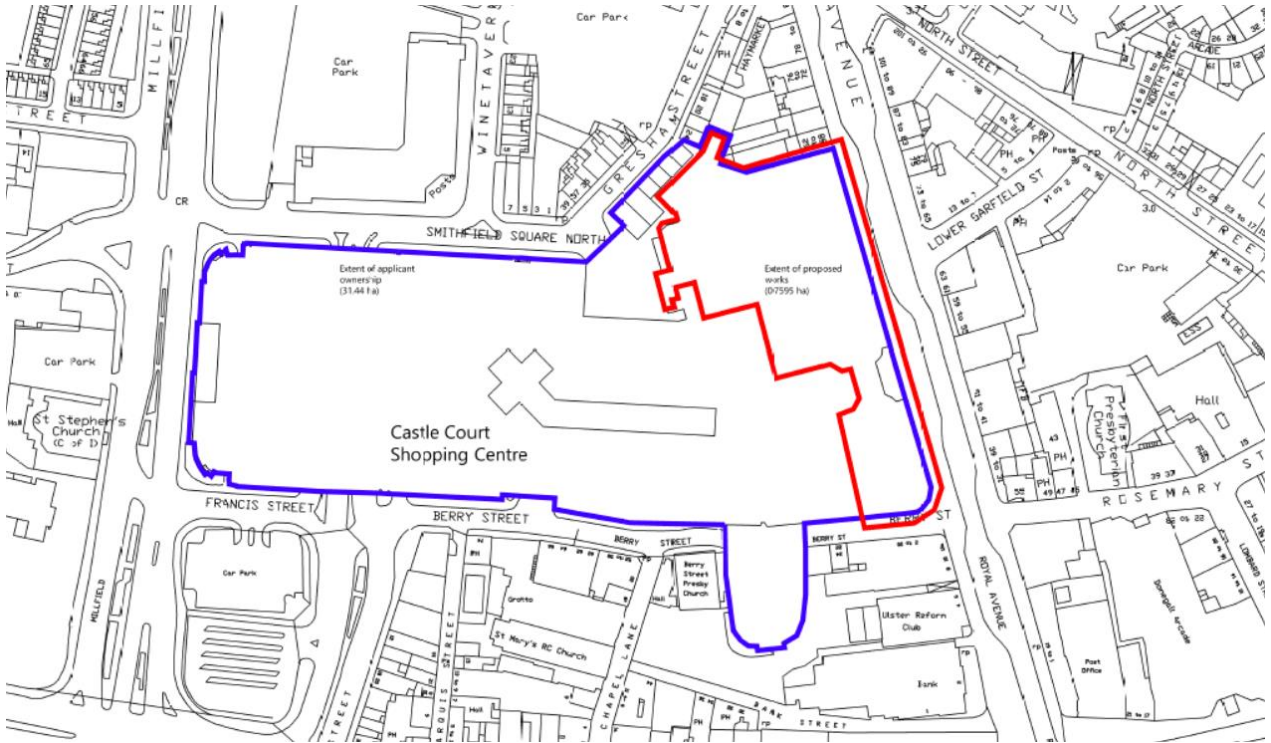
Whilst there are outstanding consultation responses at this time, it is reasonable to believe that these will be resolved. The applicant is under an extremely tight timeframe for the prospective tenants to be able to fit out the units for opening by the end of October/mid-November 2022. If the works are 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. There is risk that occupation would be moved back to Easter 2023 being the next busy trading period. There is also concern about rising construction costs and impact that delays would have on deliverability and affordability of the scheme. The applicant states that without recent approved developments in the City Centre being built out yet, the proposed leisure scheme is needed more than ever to support regeneration of the Royal Avenue area.

Subject to formal resolution of the objection from NIW including further consultation with DFI Rivers, and Environmental Health's advice in relation to the further noise information, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise conditions.

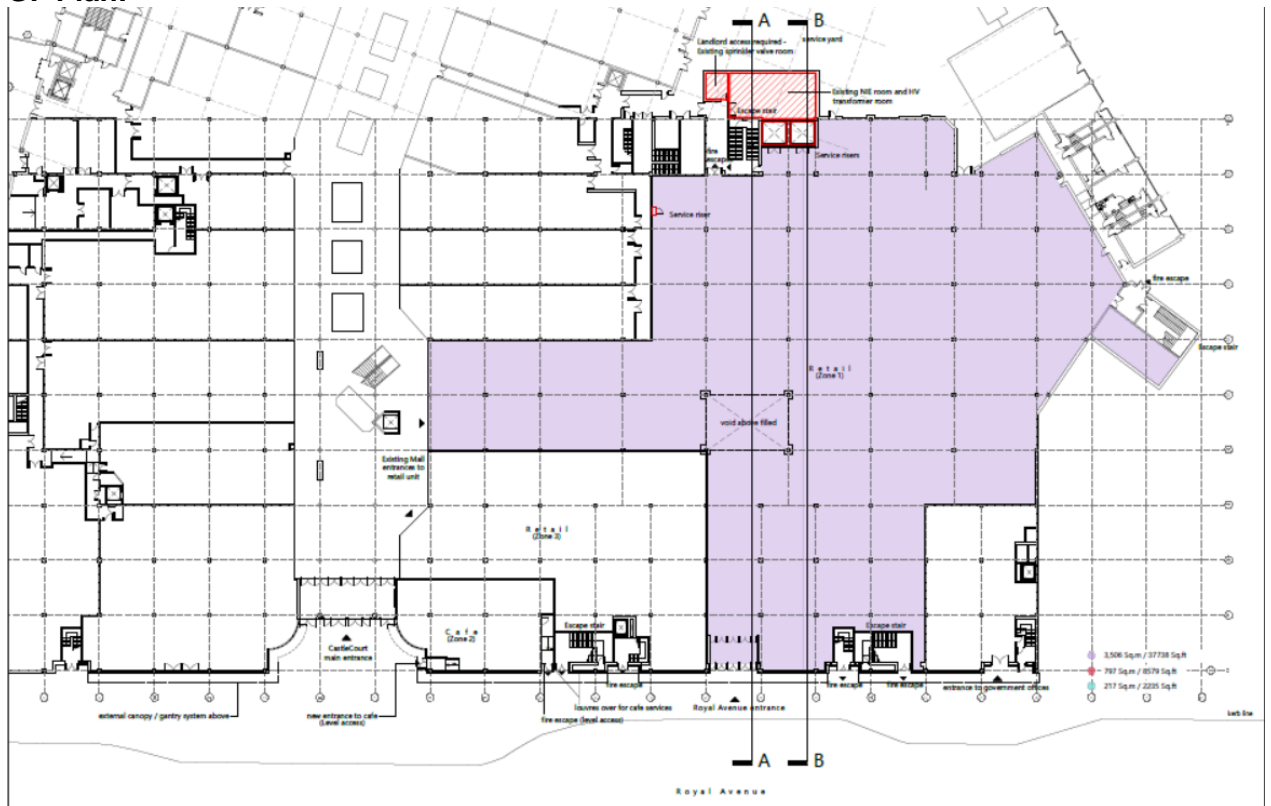
Signature(s):

Case Officer Report

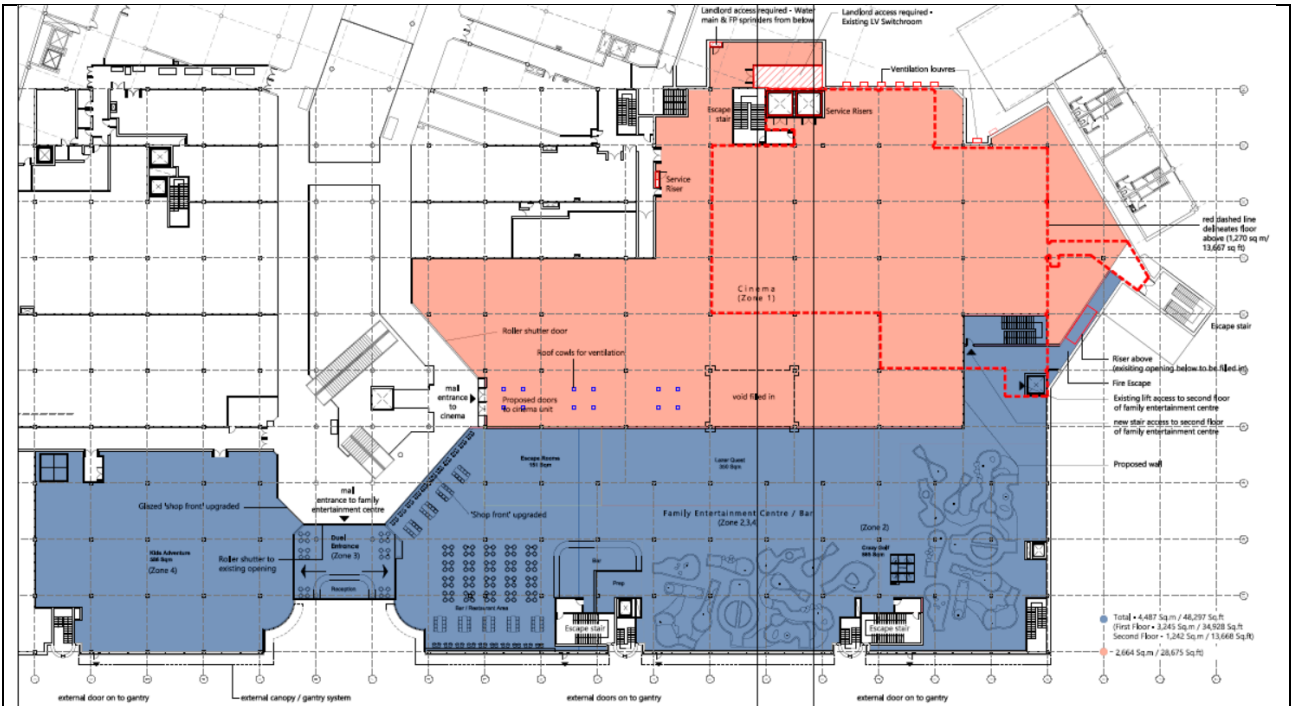
Site Location Plan



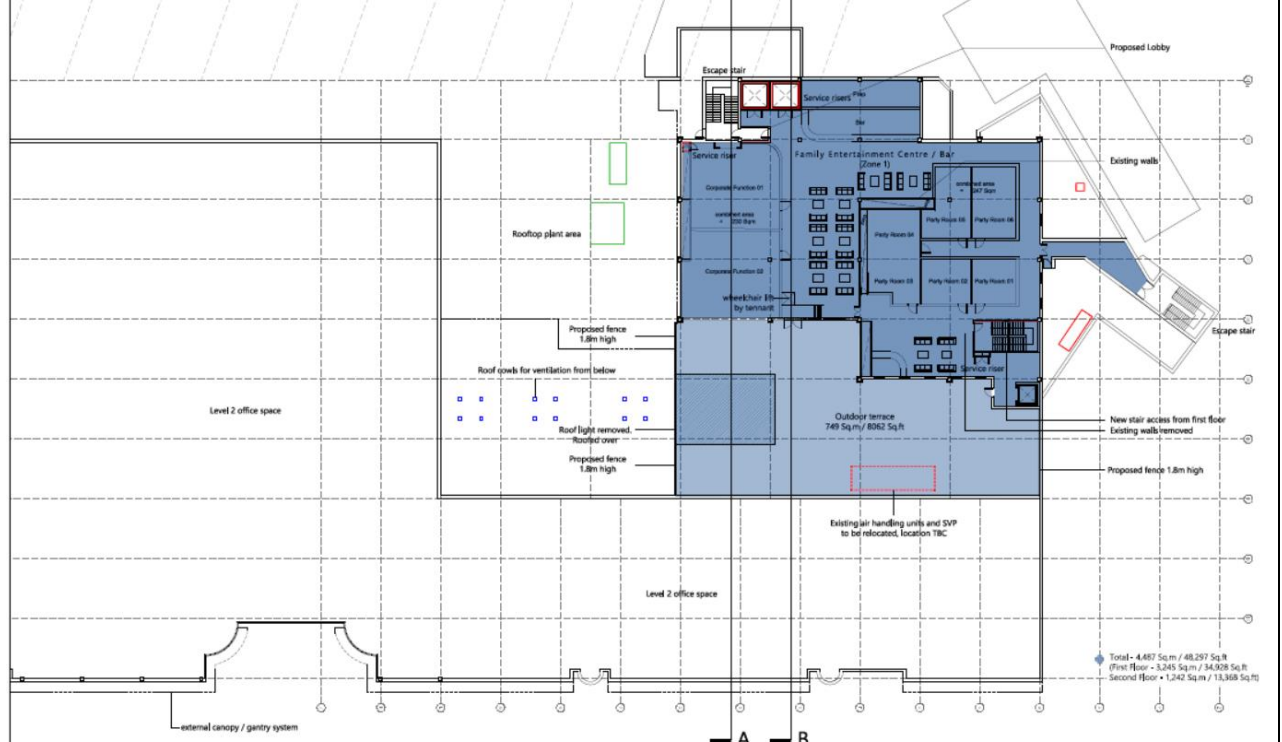
GF Plan:



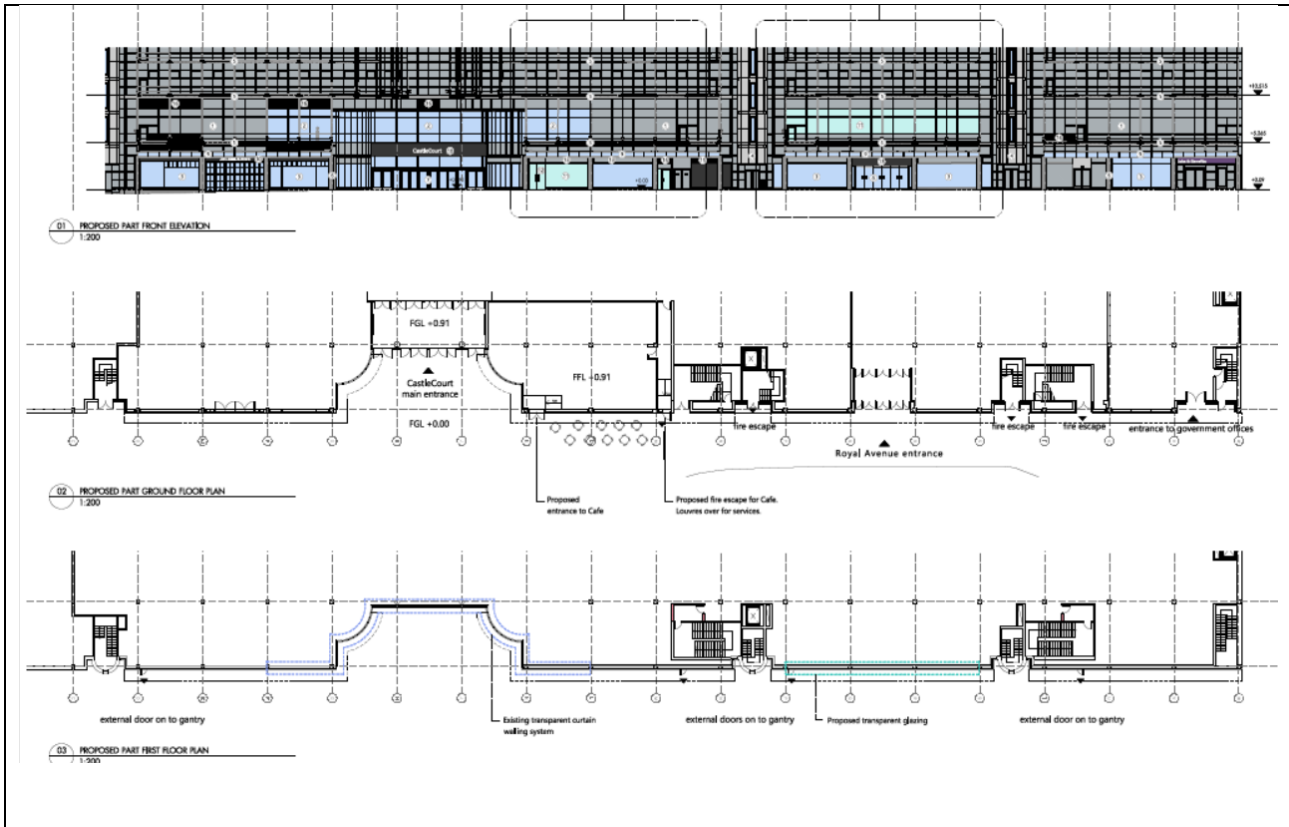
FF Plan:



2nd FP:



Proposed Front Elevation/Part Floorplans:



Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None Received

1.0	Description of Proposed Development
1.1	The application seeks full planning permission for 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.
2.0	Description of Site
2.1	The site is located within Belfast City Centre and comprises frontage units within the Castle Court shopping centre on Royal Avenue. The site includes vacant retail units on the ground, first, and second floors and was largely last occupied by Debenhams Department store. This floorspace includes the front elevation of the building onto Royal Avenue, a primary retail/commercial street within the City Centre. A relatively wide pavement is located immediately adjacent to the site at ground floor from which there are several existing access points to the building.

2.2	The site is adjacent to other internal retail space within the shopping centre, with commercial uses adjacent to the site to the north, east/opposite, and south.
2.3	The site is located immediately adjacent to the City Centre Conservation Area, with the boundary delineated along the rear of the public footpath traversing the site frontage.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	There is no planning history of particular relevance to the proposal. Castlecourt and the immediate area have been subject to various applications mostly relating to commercial activities and uses.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001; Draft Belfast Metropolitan Area Plan 2015 (v2004); Draft Belfast Metropolitan Area Plan 2015 (v2014).
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS2: Planning and Natural Heritage; PPS3: Access, Parking and Movement; PPS4: Planning and Economic Development; PPS6: Planning, Archaeology, and the Built Heritage; PPS15: Planning and Flood Risk; Development Control Advice Note 15 Vehicular Access Standards; DCAN 4 Restaurants, Cafes and Fast Food (2002); BCC Developer Contributions Framework (2020).
5.0	Statutory Consultee Responses
	DFI Roads – no objections subject to conditions DEARA – no objections subject to conditions DFI Rivers – additional information required NI Water – objection based on impacts on capacity of existing infrastructure (applicant currently undertaking a Pre-Development Enquiry with NI Water. NI Water is expected to withdraw its objection).
6.0	Non-Statutory Consultee Responses
	BCC Environmental Health – awaiting response to additional noise information
7.0	Representations
	The application has been neighbour notified and advertised in the local press. No representations have been received.

8.0	Other Material Considerations
	BCC Belfast Agenda
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of loss of retail space and proposed uses at this location; • The economic impact of the proposal; • Design and layout considerations; • Layout, Design, and Impact on Built heritage; • Impact on transport and other infrastructure; • Impact on flooding and drainage; • Economic considerations; • Developer contributions <p>Policy Considerations</p>
9.2	<p>Policy SFG3 of the Regional Development Strategy (RDS) is relevant to the proposal. It seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services, and cultural amenities. This policy states <i>‘Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area’</i>.</p>
9.3	<p>The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating, and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under ‘transitional arrangements.</p>
9.4	<p>Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
9.5	<p>The SPPS introduces new retail policy under ‘town centres and retailing’ at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>‘the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.’</i></p>
9.6	<p>Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal’s whole catchment, an application which proposes development on a less sequentially preferred site should be refused.</p>

9.7	<p>Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):</p> <ul style="list-style-type: none"> • primary retail core; • town centres; • edge of centre; and • out of centre locations, only where sites are accessible by a choice of good public transport modes.
9.8	<p>No guidance has been published to date by DFI to assist in interpretation and application of SPSS policy.</p>
<p>Development Plan Considerations</p>	
9.9	<p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the said Act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
9.10	<p>Following the May 2017 Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan (BUAP). The application site is not subject to any zoning and is 'white land'.</p>
9.11	<p>Given the stage at which the Draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 2015 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>
9.12	<p>BMAP 2015 (v2014) reached an adopted stage and was subject to legal challenge in relation to the policies regarding Sprucefield Shopping Centre. BMAP 2015 (v2014) is considered to hold significant weight given its advanced stage in the Plan making process. The weight to be afforded is a matter of judgement for the decision maker.</p>
9.13	<p>The site is within the primary retail core in both versions of BMAP, and subject to 'Primary Retail Frontage' (CC 006) and the 'Old City' Character Area (CC009) designations within BMAP v2014.</p>
9.14	<p>Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i>. The supplementary note goes on to say that <i>'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'</i></p>
9.15	<p>Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which states it <i>'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development'</i></p>

proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'

Page 28 part 4 volume 2 refers to retailing in the city centre and designates the Primary Retail Core and Primary Retail Frontage under CC05 and CC06.

9.16 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future investment and development decisions to enable the sustainable spatial growth of the city up to 2035, includes strategic policy on creating a vibrant economy (Part 8). It is considered that the proposal is consistent with the aims of that policy. 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 DfI in relation to additional required steps before it can be adopted. Accordingly, this is now a material consideration but has limited weight as it is not yet adopted.

Consideration

9.17 The scheme comprises alterations to facilitate a change of use of the upper floors to entertainment uses from retail, with reconfigurations/subdivision at ground floor to facilitate two retail units and a café adjacent to the main entrance to the shopping centre. A breakdown of the proposed floorspace arrangements is set out below:

Proposed Use	Indicative Area	
	Sqm	Sq ft
Coffee Shop/Cafe	207	2228
Retail Unit 1	3,056	37,738
Retail Unit 2	797	8,579
Cinema and Bar	2,664	28,675
Kids Adventure	586	6,308
Escape Rooms	151	1,625
Lazer Quest	350	3,767
Crazy Golf	885	9,526
Restaurant	593	6,383
Party Room/Bar	1,242	13,368
Seated Terrace Area	749	8,062

Principle of Proposed uses and Loss of retail space

9.18 The SPPS introduces a town centre first approach and a sequential assessment to town centre uses that are not in an existing centre, taking account of the catchment area of the proposal. The proposal is located within the City Centre under BUAP, and primary retail core and primary retail frontage with dBMAP.

9.19 The proposal comprises city centre uses as defined in the SPPS and therefore complies with this aspect of the policy. It is also compliant with the aims of the SPPS as stipulates at paragraphs 6.269 and 6.270 which states that *“the SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand...the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other*

	<p><i>complementary functions, consistent with the RDS.</i>” It is considered that the leisure entertainment uses would fulfil a complementary function and not adversely impact on the function or retailing activities of the city centre.</p>
9.20	<p>The proposal is also compliant with the retail provisions of dBMAP, including those set out at Policy R 1 in Part 3, Volume 1 of the Plan of dBMAP2015, in that the non-retail elements are largely located on the upper floors and will not therefore result in more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use. R1 also stipulates that the Primary Retail Cores will be the preferred location for new comparison and mixed retail development.</p>
9.21	<p>A supporting statement from Savills on behalf of the applicant summarises the marketing campaign undertaken to secure new retail tenants for the site:</p> <p><i>‘In respect of the Debenhams space, a full proactive marketing campaign was implemented to find a replacement occupier for the subject space at CastleCourt. In addition to a state of the art lettings portal with fly through video, CGIs and plans the joint agency team contacted over 50 retailers from a variety of different retail occupier sectors including Departments stores, clothing, homewares, and discounters who could take all or part of the space. Canvassing took place over a period of 15 months before engaging with any non-retail operators. Whilst we have been able to progress some limited interest from operators for the ground floor space in these categories, it has very evident from feedback that there is no demand from traditional retail users the first floor space.</i></p>
9.22	<p>Savills indicate that there has been a decline in demands for retail space, and that <i>‘...the oversupply of retail is not limited to Belfast, and there are already several examples across the UK of leisure repurposing vacant retail space, with acquisitive leisure operators opening in former retail premises.’</i></p>
9.23	<p>The Savills evidence is a material consideration. However, the last 15 months society has been subject to a health pandemic and this would likely be a significant factor for the retail industry in considering their estates/location requirements and retail offer given the public health restrictions during the marketing period. Nonetheless, there is merit in the suggested approach at this site to provide alternative uses, which is supported by policy where complementary to retailing provision in city centres. Taking all these factors into account, the loss of the retailing space and proposed leisure entertainment, food and drink uses are considered acceptable.</p> <p>Layout, Design, and Impact on Built heritage</p>
9.24	<p>The proposed physical alterations are largely internal within the existing shopping centre fabric, which do not require planning permission. However, some external alterations are necessary to the external facades to facilitate the proposal incorporating the introduction of new glazing, doors, louvres, and shopfronts. The Council’s Conservation Officer has been consulted on the application and has no objections, concluding that the existing CastleCourt façade is not considered to be of heritage value. The proposed changes are considered sensitively designed and appropriate for the existing building. The character and appearance of the adjacent Conservation Area would be preserved. The setting of nearby Listed Buildings would not be harmed. Taking these factors into account, it is considered that the proposal satisfies the design criteria in the SPPS and would not adversely impact on any historic assets and is therefore compliant with PPS6 policy provisions including BH1-4, BH11, BH12, and BH14.</p>

	<p>Amenity</p>
9.25	<p>Given the current commercial use of the site, city centre location, the nature of surrounding similar uses, and lack of any sensitive uses nearby, it is considered unlikely that the proposal would result in any adverse amenity impacts. BCC Environmental Health have no objections to the proposal in terms of land contamination or odour issues subject to conditions. However, at the time of writing they are considering further information submitted by the applicant in relation to noise impacts. The officer recommendation is therefore subject to Environmental Health's further advice.</p>
	<p>Access, Parking and Transport</p>
9.26	<p>In relation to traffic, access, and parking issues, DfI Roads were consulted and are satisfied with the parking and access arrangements. The site is a highly sustainable location being very central with good access to public transport. Accordingly, the proposal is considered compliant with requirements in PPS3 and associated guidance.</p>
	<p>Flooding and Drainage</p>
9.27	<p>DfI Rivers have been consulted on the submitted drainage assessment and confirms that the proposal is compliant with Policies FLD1, 2, 4, and 5 of PPS15. However, they have requested additional information to assess surface water impacts in respect of Policy FLD 3 comprising the following:</p> <ul style="list-style-type: none"> • PDE response from NIW consenting to discharge to their system. • Attenuation size and calculations based on the discharge rate stipulated in the PDE response letter.
9.28	<p>As it currently stands, NI Water has raised an objection to the application. It advises that sufficient wastewater treatment capacity is not available at present for the proposed development. In addition, the public system cannot presently serve this development proposal without significant risk of environmental harm. NI Water plans to upgrade the Wastewater Treatment Works in this drainage area by July 2023. Whilst this remains subject to prioritisation and the availability of funding, NI Water has been recommending connections to the system are curtailed at this time.</p>
9.29	<p>The applicant has therefore been advised to consult directly with NI Water to discuss potential solutions as part of NIW's Pre-Development Enquiry (PDE) process. The applicant has entered into a PDE with NIW, providing further information that seeks to demonstrate a reduction in overall footfall to the units and that a net reduction in discharge rates are achievable from the proposed development. In terms of footfall, the applicant has provided evidence to NIW that recorded annual footfall with Castlecourt in 2019 (pre-COVID) at 10.5 million. The projected footfall for 2023 is 8 million with reduced footfall resulting in reduced water demand.</p>
9.30	<p>The Council has subsequently received verbal indications from NIW that it will remove its objection to the planning application and that a condition will be necessary to resolve stormwater capacity prior to the development becoming operational. This is consistent with recent correspondence between NIW and the applicant, which the Council has had sight of. The officer recommendation is therefore subject to NIW formally withdrawing its objection. NIW has been re-consulted accordingly. Following NIW's response, further consultation with DFI Rivers will be necessary to confirm compliance with Policy FLD 3 of PPS 15.</p>

9.31	In considering these issues, regard is also had to the significant number un-implemented planning permissions for housing, commercial and other development across the city which NI Water has a duty to connect. Those developments will not all come forward at once and it has not been demonstrated that the proposed development would have a harmful impact on drainage infrastructure over and above existing consented schemes. Nevertheless, indications are that NIW's original objection can be addressed and formal confirmation is awaited from NIW.
9.32	Subject to formal confirmation from DFI Rivers and NIW, it is considered that the drainage impacts of the proposal are acceptable and would not result in demonstrable harm to the infrastructure network or wider environment including ecology and habitat considerations.
9.33	Delegated authority is therefore requested to resolve these issue and any other issues that may arise from these responses.
Economic Considerations	
9.34	The agent advises that the scheme comprises an investment of circa £10.8 million. In addition, the development will create up to 125 no. jobs during the construction phase, and up to 130 no. full time and part-time jobs post completion. The proposal would support economic development and the vitality and viability of the wider City Centre, and in these regards the proposal is welcomed.
9.35	Whilst there are outstanding consultation responses at this time, it is reasonable to believe that these will be resolved. The applicant is under an extremely tight timeframe for the prospective tenants to be able to fit out the units for opening by the end of October/mid-November 2022. If the works are 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. There is risk that occupation would be moved back to Easter 2023 being the next busy trading period. There is also concern about rising construction costs and impact that delays would have on deliverability and affordability of the scheme. The applicant states that without recent approved developments in the City Centre being built out yet, the proposed leisure scheme is needed more than ever to support regeneration of the Royal Avenue area.
Developer Contributions	
9.36	Due to the nature of the proposal, no requirement for Developer Contributions has been identified and a planning agreement under Section 76 of the Planning Act is not needed.
Pre-Community Consultation	
9.37	For applications that fall within the Major category of development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.
9.38	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

10.0	Having regard to the policy context and other material considerations, the proposal is considered acceptable. Subject to formal resolution of the objection from NIW including further consultation with DFI Rivers, and Environmental Health's advice in relation to the further noise information, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise conditions.
Neighbour Notification Checked Yes	
<p>Draft Conditions (delegated authority to finalise conditions requested):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified in writing immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. <p>Reason: Protection of human health.</p> <ol style="list-style-type: none"> 3. Prior to installation or operation of the restaurant and coffee shop units within the development, a scheme of odour abatement and odour extraction shall be submitted to and approved in writing by the Council. The odour abatement scheme shall pay regard to EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems and the recommendations within the submitted Irwin Carr Consulting Report titled 'Odour Impact Assessment Castlecourt Belfast', referenced: RP001AQ 2021132 (Castlecourt, Belfast), dated 26 August 2021 and include a description of all proposed cooking processes and equipment, a plan of the proposed ventilation system and odour abatement measures including the location and details of all components (including information on noise production and abatement). <p>The approved odour abatement scheme shall be installed in accordance with the approved details prior to the use hereby approved restaurant and coffee shop units commencing and shall be operated at all times thereafter.</p> <p>Reason: Protection of residential amenity.</p> <ol style="list-style-type: none"> 4. All noise mitigation measures shall be installed in accordance with the approved details and retained thereafter. <p>Reason: in the interests of amenity.</p> <ol style="list-style-type: none"> 5. No part of the development hereby permitted shall become operational until drainage mitigation works have been carried out in accordance with the submitted Drainage and Flood Risk Assessment and a report verifying that the mitigation measures have been 	

installed has been submitted to and agreed in writing with the Council. These measures shall be retained and maintained thereafter in accordance with the agreed arrangements.

Reason: To safeguard the site and adjacent land against flooding, standing water, and amenity.

6. The Travel Plan, published on the Planning Portal 8th October 2021, shall be implemented at all times when the development becomes operational.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

7. The development hereby permitted shall operate in accordance the Service Management Plan (Appendix B of the Travel Plan) and, as appropriate, with the existing arrangements used by the previous tenant of the units 34 61 & Mall 01-K9 of the Castlecourt Shopping Centre.

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

8. The existing parking facilities, in the multi-storey car park, 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.

9. The multi-storey car park shall be available, free of charge, for the pickup and set down of patrons and staff during all hours of business.

Reason: In the interest of road safety.

Signature(s)

Date:

ANNEX	
Date Valid	6th October 2021
Date First Advertised	22nd October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
The Owner/Occupier, 1,16a ,Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA	
The Owner/Occupier, 12 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 1st Floor,89-101 Sinclair House,Royal Avenue,Belfast,Antrim,BT1 1FE	
The Owner/Occupier, 2-8 ,Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 22 Berry Street,Belfast,Antrim,BT1 1FJ	
The Owner/Occupier, 22 Berry Street,Belfast,Antrim,BT1 1FJ	
The Owner/Occupier, 22 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 22 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 24 Berry Street,Belfast,Antrim,BT1 1FJ	
The Owner/Occupier, 24 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 25-29 ,Royal Avenue,Belfast,Antrim,BT1 1FB	
The Owner/Occupier, 26a ,Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 28 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 2nd Floor,55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FX	
The Owner/Occupier, 30 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 32 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 33-39 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 33a ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 33a ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 33a ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 34 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 35-39 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 36 Gresham Street,Belfast,Antrim,BT1 1JN	
The Owner/Occupier, 3rd Floor,55-59 Hampden House,Royal Avenue,Belfast,Antrim BT1 1FX	
The Owner/Occupier, 41 Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 41-45 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 41-51 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 45-47 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 47-49 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 49 Rosemary Street,Belfast,Antrim,BT1 1QB	
The Owner/Occupier, 49-51 ,Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 4th Floor,55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FX	
The Owner/Occupier, 4th Floor,89-101 Sinclair House,Royal Avenue,Belfast,Antrim,BT1 1EX	
The Owner/Occupier, 51 Rosemary Street,Belfast,Antrim,BT1 1QB	
The Owner/Occupier, 51 Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 51 Royal Avenue,Belfast,Antrim,BT1 1FD	
The Owner/Occupier, 53 Royal Avenue,Belfast,Antrim,BT1 1LX	
The Owner/Occupier, 55 Rosemary Street,Belfast,Antrim,BT1 1QB	
The Owner/Occupier, 55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FT	
The Owner/Occupier, 55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FX	
The Owner/Occupier, 56 Rosemary Street,Belfast,Antrim,BT1 1QE	
The Owner/Occupier, 56 Rosemary Street,Belfast,Antrim,BT1 1QE	
The Owner/Occupier, 56 Rosemary Street,Belfast,Antrim,BT1 1QE	

The Owner/Occupier, 58-66 ,Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, 65-67 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 67 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 68-70 ,Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, 69 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 7-9 ,Lower Garfield Street,Belfast,Antrim,BT1 1FP
 The Owner/Occupier, 73 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 75-87 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 8-10 ,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 8-10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 8-10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 8-10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 8-10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 8-10a Queens Building,Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, 85-87 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 85-87 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 89-101 Sinclair House,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 89-101 Sinclair House,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 89-101 Sinclair House,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 89-91 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 91 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 93-101 ,Royal Avenue,Belfast,Antrim,BT1 1DL
 The Owner/Occupier, 95-101 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 95-101 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, 95-101 ,Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, First Floor Suite 1,Sinclair House,89 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Gd & 1st Floor,55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FX
 The Owner/Occupier, Leicester House,63 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office A,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office B,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office C,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office D,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office E,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office F,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Office G,Spencer House,71 Royal Avenue,Belfast,Antrim,BT1 1FE
 The Owner/Occupier, Offices (1st Floor),26a ,Gresham Street,Belfast,Antrim,BT1 1JN
 The Owner/Occupier, Queens Building,8 Royal Avenue,Belfast,Antrim,BT1 1DA
 The Owner/Occupier, Rooms 1-12,8-10a Queens Building,Royal Avenue,Belfast,Antrim, BT1 1DA
 The Owner/Occupier, Stores 4th Floor,55-59 Hampden House,Royal Avenue,Belfast,Antrim,BT1 1FX
 The Owner/Occupier, Unit 1-4,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 10,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 11/12,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 13,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 7,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 8,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ
 The Owner/Occupier, Unit 9,The Haymarket,84 Royal Avenue,Belfast,Antrim,BT1 1DJ

Date of Last Neighbour Notification

20th October 2021

Date of EIA Determination	28th October 2021
ES Requested	No
Planning History	
<p>Ref ID: Z/2014/0833/F Proposal: Alterations to front of existing shop to include new entrance surround and doors Address: Unit C, Castlecourt Shopping Centre, Royal Avenue, Belfast, BT1 1DD, Decision: PG Decision Date: 06.11.2014</p> <p>Ref ID: Z/2015/0119/F Proposal: CHANGE OF USE FROM RETAIL TO PUBLIC HOUSE WITH EXTERNAL BEER GARDEN / SMOKING AREA AND ASSOCIATED WORKS INCLUDING ALTERATION TO SHOPFRONT Address: 58-66 Royal Avenue, Belfast, BT1 1DJ, Decision: PG Decision Date: 19.04.2016</p> <p>Ref ID: LA04/2021/1499/PAN Proposal: Proposed change of use relating to part of Unit 34 ground floor area from (class A1) retail 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 and bars, and (class d2) cinema with bar. Address: Units 34, 61 and Mall 01-k9 Castlecourt shopping centre, Royal avenue, Belfast, BT1 1DD, Decision: PANACC Decision Date:</p> <p>Ref ID: LA04/2015/0184/F Proposal: Belfast Streets ahead-phase 3. Public realm/ environmental improvement project to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping. Stopping up of a section of Library Street to create Library Square. Stopping up of a section of Academy Street to extend Cathedral Gardens Address: Royal Avenue, York Street (part), Frederick Street, Great Patrick Street (part), York Lane, Library Street (part), Little Donegall Street (part), Academy Street, Talbot Street, Curtis Street, Clarkes Lane, Exchange Street West & Cathedral G Decision: PG Decision Date: 26.11.2015</p> <p>Ref ID: LA04/2015/1444/F Proposal: New Shop front Address: Unit 1B, Castlecourt Shopping Centre, Royal Avenue, Belfast, BT1 1DD, Decision: PG Decision Date: 18.01.2016</p> <p>Ref ID: Z/2011/0397/F Proposal: Environmental improvement scheme, comprising new paving treatments, lighting, planting, street furniture with events space, and erection of a new single storey pavilion on Bank Square to accommodate a cafe restaurant (excluding hot food bar)</p>	

Address: Lands from Royal Avenue, along Berry Street, Bank Square, Chapel Lane, and lands at King Street, between College Avenue and Castle Street,
Decision: PG
Decision Date: 01.02.2012

Ref ID: Z/2005/1868/F
Proposal: Retail unit re-fit to include replacement of existing entrance doors.
Address: Virgin Megastore, Unit 1C Castlecourt, Royal Avenue, Belfast, BT1 1DD
Decision:
Decision Date: 09.11.2005

Ref ID: Z/2010/0119/F
Proposal: New entrance surround and doors to existing retail unit.
Address: Unit 1c, Castlecourt Shopping Centre, Royal Avenue, Belfast, BT01 1DD.
Decision:
Decision Date: 01.06.2010

Ref ID: Z/2002/0572/F
Proposal: Extension to the Castlecourt Shopping Centre including class 1 retail, class 2 financial services, class 3 business use, class 16 leisure, food courts and restaurants, associated car parking and service areas together with works to partially reconfigure the existing Castlecourt Shopping Centre and its existing car parking facilities and all enabling works and associated works of demolition
Address: Lands adjacent to and including Castlecourt Shopping Centre, bounded by North Street, Millfield, Francis Street, Berry Street and Royal Avenue, Belfast
Decision:
Decision Date: 14.11.2007

Ref ID: Z/2004/2266/F
Proposal: Improvements to entrance-ways and erection of exterior lighting.
Address: Castlecourt Shopping Centre, bounded by Royal Avenue, Berry Street, Francis Street, Smithfield Square North and Millfield, Belfast
Decision:
Decision Date: 29.12.2004

Ref ID: Z/2006/1409/F
Proposal: Change of use to coffee shop.
Address: Unit 47 Castlecourt Shopping Centre, Royal Avenue, Belfast, BT1 1DD
Decision:
Decision Date: 14.09.2006

Ref ID: Z/1989/3077
Proposal: New shopfront
Address: UNIT 59, CASTLE COURT ROYAL AVENUE BELFAST BT1
Decision:
Decision Date:

Ref ID: Z/1990/2064
Proposal: Change of use from retail unit to office
Address: UNIT NO.62 CASTLE COURT ROYAL AVENUE BELFAST BT1
Decision:
Decision Date:

Ref ID: Z/1990/2645
Proposal: Shop signage

Address: UNIT 1C CASTLECOURT ROYAL AVENUE, BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/1981/0219

Proposal: ERECTION OF SHOPS AND OFFICES

Address: 28-32 ROYAL AVENUE, BELFAST 1

Decision:

Decision Date:

Ref ID: Z/1990/2175

Proposal: New shopfront.

Address: UNIT 28, CASTLE COURT, ROYAL AVENUE.

Decision:

Decision Date:

Ref ID: Z/1990/2510

Proposal: Outfitting of retail unit

Address: CASTLE COURT SHOPPING CENTRE 6A ROYAL AVENUE BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/2002/0353/F

Proposal: Proposed cafe in existing shopping centre mall

Address: Castle Court Shopping Centre, Royal Avenue, Belfast, BT1 1DD

Decision:

Decision Date: 21.05.2002

Ref ID: Z/2009/0702/F

Proposal: Change of use from retail unit (class A1) to financial services unit (class A2)

Address: Unit 21a, Castlecourt Shopping Centre, Royal Avenue, Belfast, BT01 1DD.

Decision:

Decision Date: 14.08.2009

Ref ID: Z/1991/2355

Proposal: Shop signage

Address: UNIT 44 CASTLECOURT CENTRE BELFAST

Decision:

Decision Date:

Ref ID: Z/1989/3078

Proposal: New shop front

Address: UNIT 14, CASTLE COURT ROYAL AVENUE BELFAST BT1

Decision:

Decision Date:

Ref ID: Z/2007/2403/F

Proposal: Demolition of existing buildings (retaining listed facade) and erection of 6 & 7 storey buildings with ground floor retail and ATM machine and 77 apartments on upper floors.

Address: 76-88 Royal Avenue, Belfast, BT1 1DJ, 104-106 North Street, Belfast, BT1 1LE and 2-8 and 16-20 Gresham Street, BT1 1JL.

Decision:

Decision Date: 20.05.2008

Ref ID: Z/2004/2377/F

Proposal: Mixed use development to include 32,000 sq metres of retailing, 885 sq metres of office accommodation, 106 Apartments, 1366 car parking spaces, service area, ancillary works and associated works of demolition.

Address: Land bounded by Royal Avenue, North Street, Millfield and Smithfield Square North, Belfast

Decision:

Decision Date: 11.05.2010

Ref ID: Z/2001/0392

Proposal: Extension to shopping centre

Address: Castlecourt Shopping Centre, Royal Avenue, Belfast

Decision:

Decision Date:

Ref ID: LA04/2018/0091/F

Proposal: Change of use from A1 (retail) to A2 (Financial Services) no external changes.

Address: Unit 60a, Castle Court Shopping Centre, Royal Avenue, Belfast, BT1 1DD,

Decision: PG

Decision Date: 26.03.2018

Drawing Numbers and Title

01, 06A, 07, 08, 09, 10, 11, 12

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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