

## Development Management Officer Report Committee Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Patrick Kelly	<b>Committee Date:</b> 14th November
<b>Application ID:</b> LA04/2023/4101/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses.	<b>Location:</b> 2 Royal Avenue, Belfast, BT1 1DA
<b>Applicant Name and Address:</b> Belfast City Council (City Regeneration & Development) 9 Adelaide Street Belfast BT2 8GA	<b>Agent Name and Address:</b> Belfast City Council (City Regeneration & Development) 9 Adelaide Street Belfast BT2 8GA
<b>Referral Route:</b> Belfast City Council Application	
<b>Recommendation:</b> Approve	
<b>Executive Summary:</b>  The application seeks full planning permission for the Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses.  There are no physical alterations or works proposed to the listed building as all installations are temporary and reversible. As such, no Listed Building Consent was required. The site falls within City Centre Conservation Area; for the same reason, no conservation comments were sought.  Consultees: DfI Roads Service Historic Environment Division BCC Environmental Health  Consultee advice has been sought regarding Road / transport, Environmental and Listed Building issues. The consultees have indicated no objection to the proposal.	

The key considerations are:

- The principle of the proposed use at this location
- Community Infrastructure
- The impact on Built Heritage
- Traffic implications and impact on road safety
- The impact on amenity

The proposal was advertised within the local press and 19 neighbouring properties notified; no third-party comments have been received.

**Recommendation-** Approval

Having regard to the policy context, the proposal, on balance, is acceptable and planning permission is recommended for approval.

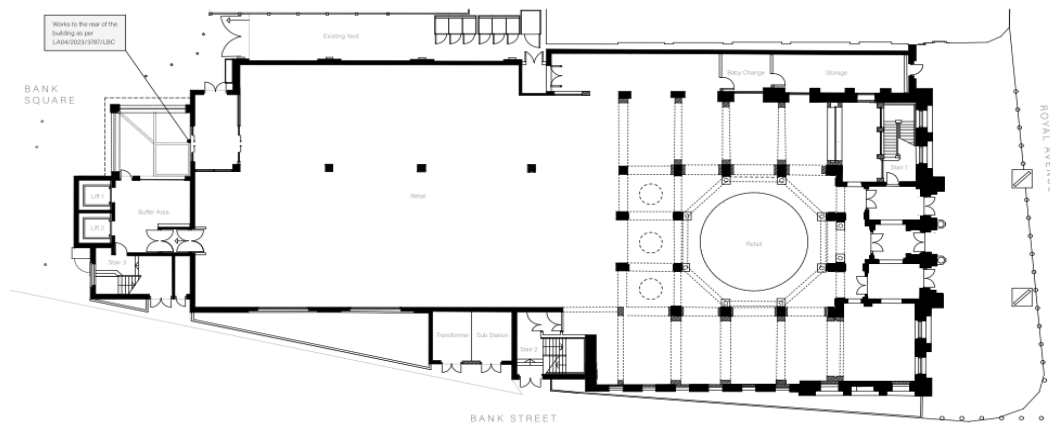
# Case Officer Report

## Site Location Plan:

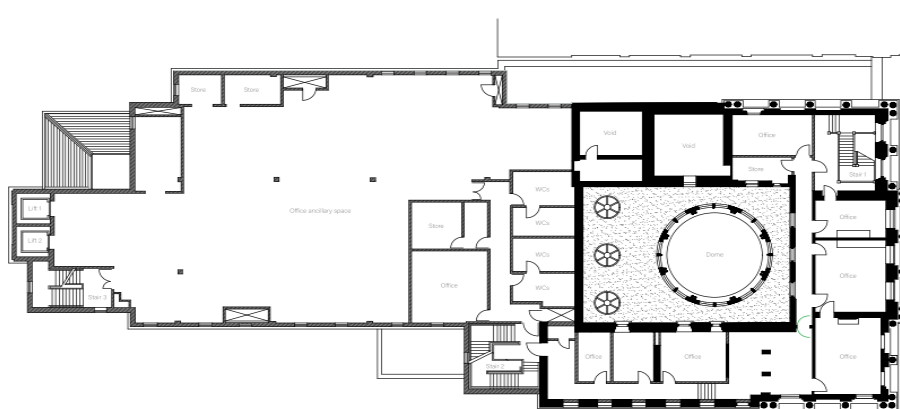


## Existing Floor Plans

### Ground Floor

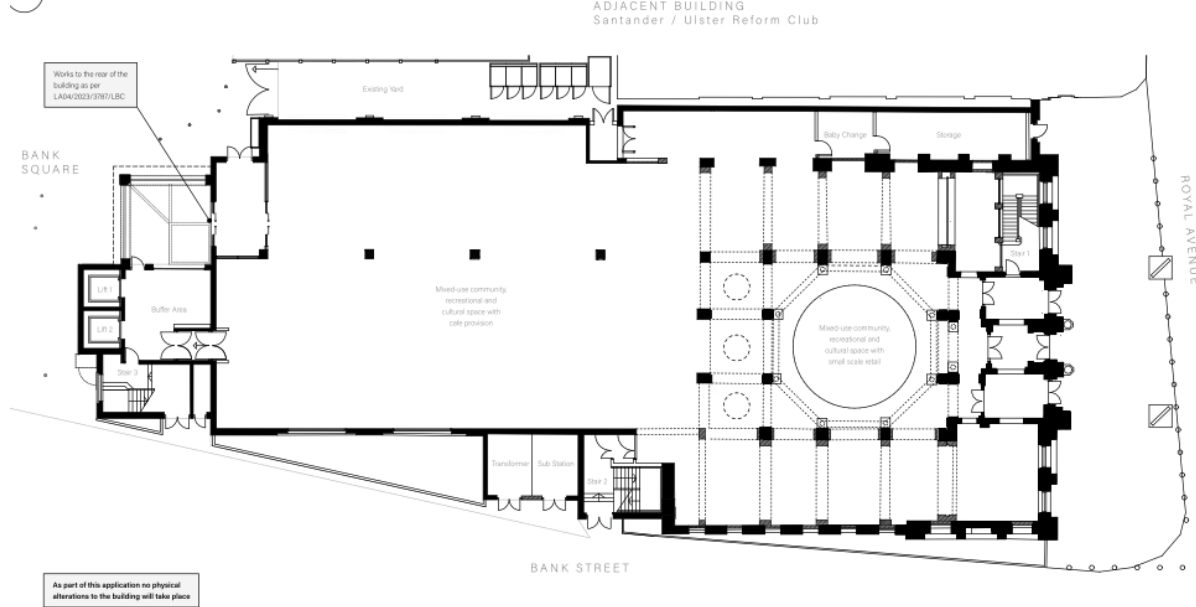


### Existing First Floor

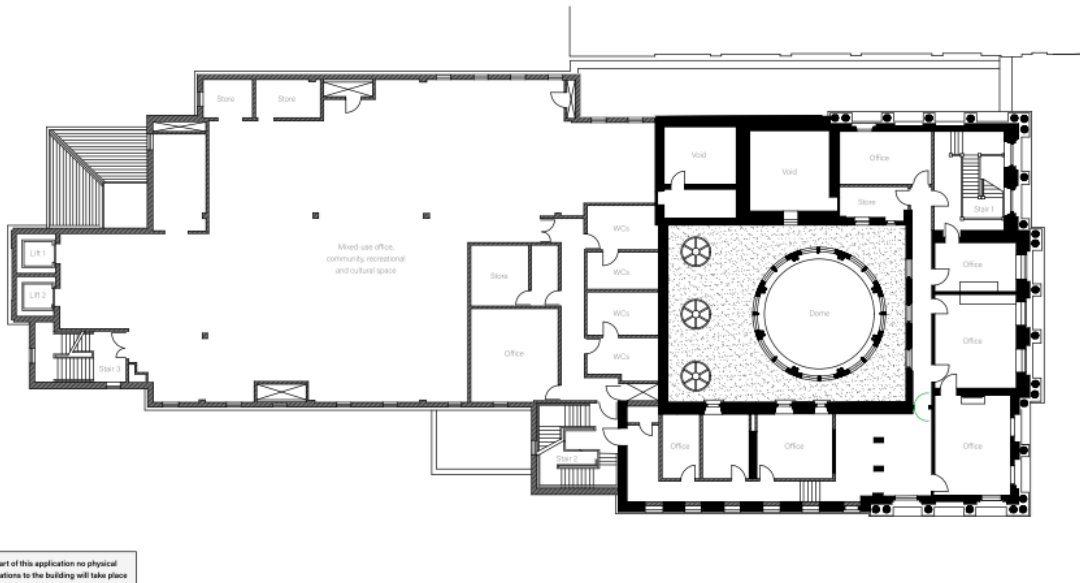


## Proposed Plans

### GroundFloor



### Proposed First Floor



## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses.

<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The site is a B+ listed building (ref. HB26/50/106) dating from 1864-69 and originally built for the Provincial Bank and was recent used as a supermarket. The building is designed in an ornamented style with a painted sandstone façade. The building has a central bay that is set forward of the main body and contains arches, pillars and detailed mouldings. The building is set back from the established building line, it is written that this was the original building line of the street prior to the building of Royal Avenue. The site is located with the main shopping frontage for the city with retail uses being the dominant use in the proximity of the site.</p>
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**Planning Assessment of Policy and other Material Considerations**

<b>3.0</b>	<p><b>Site History</b></p> <p>LA04/2021/2580/F - Decision: Permission Granted.</p> <p>Decision Date: 04 January 2022</p> <p>Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure).</p> <p>LA04/2022/2018/F - Decision: Permission Granted.</p> <p>Decision Date: 10 March 2023</p> <p>Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.</p> <p>LA04/2022/2019/LBC Decision: Consent Granted.</p> <p>Decision Date: 10 March 2023</p> <p>Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.</p> <p>LA04/2023/3787/LBC Decision: Consent Granted.</p> <p>Decision Date: 14 September 2023;</p> <p>Proposal: Proposed demolition of lean-to external store.</p>
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<b>4.0</b>	<b>Policy Framework</b>
4.1	<p><b>Development Plan – operational policies</b></p> <p>Belfast Local Development Plan, Plan Strategy 2035</p> <p><b>Development Plan – zoning, designations and proposals maps</b></p> <p>Belfast Urban Area Plan (2001) BUAP</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Regional Planning Policy</b></p> <p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Policies</b></p> <p>Belfast Agenda</p>
<b>5.0</b>	<b>Statutory Consultations</b>
	<p>DfI Roads Service</p> <p>Historic Environment Division (HED)</p>
<b>6.0</b>	<b>Non-Statutory Consultations</b>
	BCC Environmental Health
<b>7.0</b>	<b>Representations</b>
	None received
<b>8.0</b>	<b>Other Material Considerations</b>
	None
<b>9.0</b>	<b>Assessment</b>
9.1	Section 45(1) of the Planning Act Northern Ireland 2011 requires regard to be had to the development plan insofar as it is material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the developmental plan unless material considerations indicate otherwise.
9.2	<p>It is considered that the main issues relevant to the consideration of this application are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposed use at this location</li> <li>- Community Infrastructure</li> <li>- The impact on Built Heritage</li> </ul>

- Traffic implications and impact on road safety
- The impact on amenity

**The principle of the proposed use**

9.3 The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Policy RET5 Primary Retail Area states that: “The primary retail area will be the focus for A1 uses. Non-retail development will be restricted in designated primary retail frontages within this area so that no more than 40% of the frontage of the shopping street to which it relates is in non-retail use and no more than 3 adjacent units are in non-retail use. Retail use includes Class A1 shops (i.e. outlets that sell convenience goods, comparison goods or provide a retail service). Non-retail development includes financial and business service and leisure services. In respect of this policy the 40% non-retail threshold excludes proposals for restaurant and café use”.

9.4 The site is located on the main shopping frontage and is situated between the Primark Store and Castlecourt shopping complex. Except for the site the only other non-retailing within this row is the neighbouring Reform Club which houses a ground floor bank. It is also noted that the previous temporary approval the proposal complied with the stricter requirement of no more than 25% of the street frontage given to non-retail use. The proposal therefore will sit comfortably within the stated 40% for non-retailing.

**Community Infrastructure:**

9.5 Policy CI1 states the following. The council will seek to protect and provide development opportunities for community, health, leisure, nurseries, and educational facilities based on local need in line with the projected population growth over the plan period.

9.6 Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport.

9.7 The proposal satisfies the policy in that it will provide new and improved community infrastructure in an accessible location within the urban area. The site being within a city centre location ensures that it is accessible to all forms of transport and the lack of residential uses in the immediate area ensures that there is no impact on amenity. Given the below comments from Historic Environment Division (HED), it is also considered that the proposal will not detrimentally affect built heritage.

**Impact on Built Heritage:**

9.8 Policy BH1 relating to Listed Buildings states that planning permission will be granted for the change of use of a listed building where this secures its upkeep and survival and the character, and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its

<p>9.9</p> <p>9.10</p> <p>9.11</p> <p>9.12</p> <p>9.13</p> <p>9.14</p>	<p>appearance, character and setting. The proposal does not require physical alterations to the building, HED in their response have stated no objections.</p> <p>Policy BH2 relates to new development in a conservation area. Given no external alterations are proposed, the existing character of the conservation area will be unaltered and the proposal therefore complies.</p> <p><b><u>Traffic implications and impact on road safety</u></b> The site has operated as a busy retail unit for many years and most recently as a community recreation and culture space. Due to the city centre location and the pedestrianised area, there is no incurtilage parking. DfI Roads Service were consulted and have offered no objections to the proposal.</p> <p><b><u>The impact on amenity:</u></b> The proposed use of the building will have no negative impact on the surrounding area, the building has been operating under a temporary approval for the same use without giving rise to concerns in relation to neighbouring amenity. BCC Environmental Health (EHO) were consulted and have no objections, subject to condition restricting the use of fryers, hotplates, and grills. It is noted that the use of such equipment may require the installation of extracting equipment that could be problematic within the setting of a listed building.</p> <p>EHO also offered an informative relating to noise and made reference to time restrictions conditioned under temporary approval stating the restriction was no longer necessary due to no complaints being received in the previous two years and any proposed entertainment requiring an entertainment license in its own right.</p> <p><b><u>Flood Risk:</u></b> Flood Risk/Drainage was considered under the temporary approval DfI Rivers indicated that the site was not within a flood risk area and did not meet the threshold for a drainage assessment. Given, no change in circumstances there was no need to further consult DfI Rivers within this application.</p> <p><b><u>Conclusion:</u></b> Approval of the proposal is recommended, subject to agreed conditions. The proposal is considered to satisfy all relevant planning policies and will provide additional community infrastructure for the city.</p>
<p>10.0</p> <p>10.1</p>	<p><b>Summary of Recommendation:</b></p> <p>It is recommended that full planning permission be granted and delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p>11.0</p>	<p><b>Conditions</b></p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p><b>Reason:</b> As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>



	<p>2. No fryers, hotplates, or grills are to be used within the hereby permitted café unless otherwise approved by the Planning Service.</p> <p><b>Reason:</b> Protection of amenity against grease/smoke and odour impact.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	25.09.2023
<b>Date First Advertised</b>	06.10.2023
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification (all addresses)</b>	
<p>1-27 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1BL  1-5 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  11 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  11-13 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  15 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  17 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  19 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  21 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  29 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH  29A ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA  30-32 BANK STREET TOWN PARKS BELFAST ANTRIM BT1 1HL  31 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH  33 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH  37-39 CASTLE STREET TOWN PARKS BELFAST ANTRIM BT1 1GH  4 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA  6 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1DA  7-11 ROYAL AVENUE TOWN PARKS BELFAST ANTRIM BT1 1FB  BERRY STREET PRESBYTERIAN CHURCH 50 BERRY STREET BELFAST BT1 1FJ  COMMONWEALTH HOUSE 35 CASTLE STREET TOWN PARKS BELFAST BT1 1GH</p>	