

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 October 2023	
Application ID: LA04/2023/2850/F	
Proposal: Change of use from Parish Hall to licensed Social Club. Renewal of previous application LA04/2018/2081/F.	Location: 146 Andersonstown Road, Andersonstown, Belfast, BT11 9BY
Referral Route: Referral under paragraph 3.8.7 of the Scheme of Delegation (discretion of the Director of Planning and Building Control given that the previous application for a social club on the site was considered by the Planning Committee).	
Recommendation: Approve with conditions	
Applicant Name and Address: George Browne Heron Property Ltd 2 St Patrick Street Draperstown Magherafelt BT45 7AL	Agent Name and Address: Jobling Planning & Environment Ltd Unit 1a Nixon Building, Ledcom Business Park100 Bank Road, Larne, BT40 3AW
Executive Summary:	
<p>This application seeks the renewal of full planning permission LA04/2018/2081/F, granted at appeal, for a change of use from parish hall to a licensed Social Club. The site is St. Agnes Parish Hall, 146 Andersonstown Road.</p> <p>The building is set back from the road behind a commercial frontage. Access is via an alleyway to the north. To the west and south are the rear of residential properties on Riversale Park East. Andersonstown Leisure Centre is situated to the east.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of development • Impact on Amenity • Impact on Character and Appearance • Odour and other environmental impacts • Access and parking <p>DfI Roads and BCC Environmental Health offer no objection to the proposal.</p> <p>The Council has received 15 representations against the proposal and a resubmitted Statement of Case objection (submitted in relation to the previous application), signed by 29 objectors. The objections and officer response to the issues raised are set out in the main report.</p> <p>It is considered that there have been no substantive changes in circumstance or issues since the previous appeal decision which would lead the Council to a different outcome.</p>	

Recommendation

Having regard to the development plan and other material considerations, including the outcome of the previous appeal, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

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.

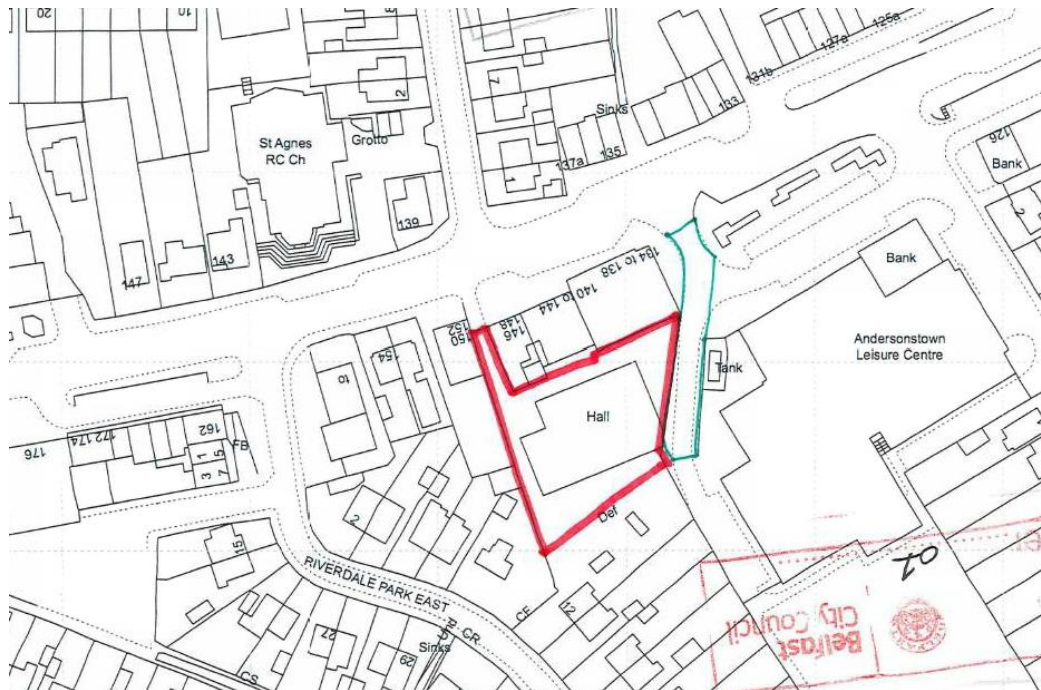
Officer Report

1.0

Drawings

1.1

Site Location Map:



2.0

Characteristics of the Site and Area

2.1

The application site is located at St Agnes Parish Hall, 146 Andersonstown Road, Belfast. The site is an existing two storey building finished in rough render and pitched roof covered in profiled roof covering. The site is accessed via a laneway which slopes down to the site and is located between 146/148 and 150/152 Andersonstown Road.

2.2

To the north of the site is an existing block of commercial units currently occupied by a restaurant, furniture sales, estate agents, hairdressers, butcher and a pharmacy. To the west and south of the site is existing residential dwellings located along Riverdale Park East. To the east of the site is the Andersonstown Leisure Centre. The site is bounded by a metal security fence at approximately 2m high. The area to the west is characterised by existing residential dwellings.

3.0	Description of Proposal
3.1	The application seeks the renewal of full planning permission for a change of use of St Agnes Parish Hall to a Social Club. The previous permission was granted by the Planning Appeals Commission at appeal in March 2020. This was a temporary permission for three years until March 2023.
3.2	The proposal includes changes to the internal layout. Minor alterations to the external elevations are also proposed.
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> • Policy SP2 • Policy CI1 • Policy DES1 • Policy ENV1 • Policy TRAN2 • Policy TRAN8
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Relevant Planning History LA04/2018/2081/F - change of use from Parish Hall to licensed Social Club. Allowed at appeal subject to conditions in March 2020 (2019/A0137). A temporary three-year planning permission was granted. A copy of the decision is provided at Appendix 1.</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations DfI Roads – no objection.</p>
5.2	<p>Non-Statutory Consultations BCC Environmental Health – no objection subject to previous conditions and the additional conditions relating to odour abatement.</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p>Representations The application has been advertised and neighbours notified.</p>
5.5	<p>The Council has received 15 representations against the proposal and a resubmitted Statement of Case objection (submitted in relation to the previous application), signed by 29 objectors. A summary of the objections with officer response to the issues raised is set out in the report below. The majority of the objections relate to the objections to the previous application, granted planning permission at appeal.</p>

6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
	Key issues
6.7	The main issues relevant to consideration of the application are set out below. <ul style="list-style-type: none"> • Principle of development • Impact on Amenity • Impact on Character and Appearance • Odour and other environmental impacts • Access and parking
	Background
6.8	The applicant is Heron Property. As per the previous application, the proposal is to temporarily accommodate the Casement Park Social Club relocation whilst the existing Casement Park stadium is redeveloped and completed. It is understood that redevelopment of the Casement Park stadium is set to begin shortly and it is important that arrangements are in place for the temporary relocation of the social club. The previous temporary permission has not been acted upon and the current application seeks to renew the previous permission.

6.9	<p>As the application is seeking renewal of a previous permission, the main consideration is whether there have been in any material changes in circumstance since the previous appeal decision that would lead the Council to a different outcome. A key difference is the adoption of the Belfast LDP Plan Strategy as discussed below, although it does not raise any fundamental new policy considerations for this particular proposal.</p> <p>Principle of development</p>
6.10	<p>The site is located within the development limit for Belfast. It is un-zoned “whiteland” in the BUAP and both versions of dBMAP 2015 (v2004 and v2014). In dBMAP 2015 (v2014), the site is on an arterial route AR 01/08 Andersonstown Road.</p>
6.11	<p>The principle of the proposed change of use was not in dispute at the previous appeal. The provision of community uses is supported by Policy CI1 subject to no unacceptable impacts on amenity and satisfactory access arrangements including for pedestrians, cyclists and public transport (discussed below). The proposal is considered to remain acceptable in principle.</p> <p>Impact on amenity</p>
6.12	<p>The main issue at the previous appeal was whether the proposal would have a detrimental impact on the residential amenity of nearby residents. The proposal remains largely unchanged from the previous proposal determined at appeal.</p>
6.13	<p>When determining the appeal, the Commissioner took into account the appellant’s noise impact assessment (NIA) and the consultation response from Environmental Health. The Commissioner concluded that the objectors’ concerns around noise impacts from patrons coming and going and activities in and outside the building could not be supported given that the NIA predicted noise levels to be lower than existing background levels. The Commissioner went onto conclude that <i>‘The objectors concern that there would be an unacceptable change to the noise level experienced in outdoor living areas in this urban area is therefore not supported.’</i></p>
6.14	<p>The Commissioner went onto to describe how the social club operates, which gives assurances around how the premises will be managed and the use restricted, such as hours of operation:</p> <p><i>‘The existing social club has an average usage from Monday to Friday of circa 6-10 patrons per day and circa 50-60 patrons per day on Saturdays and Sundays. Entry to the club is limited to members and their guests who have to sign in when entering and exiting the premises. The club would operate a three strike rule whereby disruptive members/customers would be prevented from entering the premises. Whilst the appeal building has not been used for social purposes since 2015, it had an entertainment licence capacity of 675 persons. In comparison, the club’s current entertainment licence allows for up to 150 people to attend the venue which, given the recorded level of attendance, is considered to continue to be more than adequate. The social club’s current entertainment licence permits normal operating hours on Mondays to Saturdays of 11am to 11pm and on a Sunday from 12.30pm to 10pm. As opposed to the Monday to Saturday 7am-11pm operating hours proposed by the planning authority, with the premises closing at 10pm on Sundays, it could be conditioned that the appeal proposal retain the current licenced operating hours.’</i></p>

6.15	The Commissioner went onto to impose conditions to restrict the operating hours to the same. Various other conditions were also imposed including the requirement for a noise and anti-social behaviour plan, restrictions on where patrons can smoke outside, and prevention of consumption of alcohol in the external areas. These conditions are recommended.
6.16	There have been no amendments to the proposed operational hours from the previous appeal. The previous opening hours condition did make allowance for when the premises has been granted an extension to their liquor license to allow opening beyond these hours. The Council would need to receive a minimum 14 days' notice of such an extension having been granted. The Commissioner noted that <i>'The current entertainment licence entitles the club to 84 exceptional occasion licence extensions per year, allowing it to remain open until 1am. These extensions must be approved by the PSNI one month in advance and are used on bank holidays and at weekends.'</i> Furthermore, <i>'The Noise Impact Assessment, whose findings were accepted by environmental health, confirmed that even operating to 1am when the occasional late licence was granted, the resultant noise would be of an acceptable level and not pose an unacceptable adverse impact. Environmental health had no objection to the annual 84 exceptional extensions.'</i> The same flexibility is considered to remain acceptable.
6.17	Deliveries would also remain as before, limited to during Monday to Friday between the hours of 07:00 – 23:00hrs.
6.18	A smoking shelter is to be provided along the north elevation of the building towards its eastern side away from the residents to the west. The smoking area would be in the same location as the appeal proposal. The Commissioner concluded that: <i>'Given the proposed location of the relatively modest smoking area along the northern elevation of the building and its separation distance from the houses, I am not persuaded by the objectors' assertion that it would result in air pollution at the neighbouring Riverdale Park East properties.'</i> Furthermore, <i>'Given the separation distance between the appeal building and the Riverdale Park East dwellings, it is not accepted that the residents' enjoyment of their private amenity space would be adversely impacted by the proposal or that children would have an unacceptable outlook into a smoking area.'</i>
6.19	In relation to cooking, Environmental Health has recommended amending the previous condition and an additional condition regarding a proprietary kitchen extraction and odour abatement system to be provided and cleaned and maintained in accordance with the manufacturer's instructions. This condition is recommended.
6.20	In conclusion, it is considered that there are no substantive changes in circumstance in relation to the main issue at the appeal concerning impact on neighbour amenity. The proposal is considered to remain acceptable in terms of impact on residential amenity and is compliant with paragraph 4.12 of the SPPS and Policy ENV1.
6.21	<p>Impact on Character and Appearance</p> <p>The main changes to the exterior of the building would be to accommodate bin storage and a smoking shelter along the northern front elevation. Given the relatively minor nature of these changes and the location of the building to the rear of the commercial frontage on Andersonstown Road, it is considered that there would be no visual harm to the character and appearance of the area. This is consistent with the conclusions of the Commissioner at the appeal. The proposal is considered to satisfy Policy DES1.</p>

6.22	<p>Access and Parking</p> <p>The site is located off the Andersonstown Road, an arterial route. In determining the appeal, the PAC had no issue with the location of the site or absence of dedicated parking, noting that the site is accessible by public transport. DfI Roads has no objection to the proposal. The proposal remains acceptable in terms of access and parking. The proposal is considered compliant with Policies TRAN 2 and TRAN 8.</p>
6.23	<p>Consideration of representations</p> <p>Officers respond to the objections raised by local people as follows.</p> <p><u>Overlooking and loss of privacy</u></p> <p>Response – the proposed social club is proposed to be on the ground floor of the building with offices and a kitchen and therefore it is considered that no unacceptable overlooking would result. One objector has also raised concern that their boundary treatment had changed from the previous application and that the plans did not reflect this. This previously being mature trees to the south west boundary. The objector had submitted a photograph to show the change. However, the replacement being a wall and panel fence above (approximately 2m in height) would provide sufficient privacy and eliminate any overlooking concerns from the application site. A condition would limit the main use to the ground floor. The Commissioner did not identify harmful overlooking and loss of privacy when considering the appeal.</p> <p><u>Potential anti-social behaviour</u></p> <p>Response – the Commissioner concluded that a noise and anti-social behaviour management plan should be secured as a condition of the planning permission. This condition would need to be repeated and is recommended.</p> <p><u>Lack of provision of parking</u></p> <p>Response – this issue is addressed in the main report above.</p> <p><u>Noise, odour, air pollution and reduced air quality</u></p> <p>Response – this issue is addressed in the main report above. Environmental health has offered no objections and appropriate conditions to control and manage noise and odour are recommended,</p> <p><u>Deliveries disturbance</u></p> <p>Response – Environmental health has considered the proposal and have no objection to this matter with the recommendation of a condition with regards to delivery times. Furthermore, within the previous appeal decision the Commissioner also stated that deliveries and collections by commercial vehicles could also be conditioned to occur during the daytime Monday to Friday as per the service management plan.</p> <p><u>Bin storage</u></p> <p>Response - A bin storage area as per the previous appeal proposal has been provided and Environmental Health has no objection to this.</p>

7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, including the previous appeal decision, the proposal is considered to remain acceptable. It is recommended that planning permission is granted subject to conditions.
7.2	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>DRAFT CONDITIONS:</p> <p>The following conditions are predominantly based on the conditions imposed by the Commissioner in the appeal decision. However, the wording of some of the conditions has been improved in accordance with best practice.</p> <ol style="list-style-type: none"> 1. The use hereby permitted shall be carried out only by Casement Park Social Club and shall be for a limited period of three years from the date of this decision. At the end of that period, or when Casement Park Social Club ceases to use the premises, whichever is the sooner, the use shall cease. <p>Reason: The permission has been granted because of the special circumstances of the case and permanent use of the premises as a social club would require further consideration.</p> 2. The use hereby permitted relates to the ground floor only and the first floor shall only be used for storage and incidental purposes. No patrons shall use the first floor. <p>Reasons: In the interests of residential amenity.</p> 3. The hours of operation shall be limited to between 11:00-23:00 on Mondays to Saturdays; and 12:30-22:00 on Sundays, except on those occasions when the premises has been granted an extension to their liquor licence to allow opening beyond these hours. The Council shall receive a minimum of 14 days' written notice of an extension having been granted. <p>Reasons: In the interests of residential amenity.</p> 4. No deliveries shall be taken or collections made by commercial vehicles outside the hours of 07:00 and 23:00 on Mondays to Fridays; or at any time on Saturdays, Sundays, bank holidays or public holidays. <p>Reasons: In the interests of residential amenity.</p> 5. Smoking is only permitted within the enclosure along the front elevation of the building as shown on drawing 03 proposed floor plans and drawing 04 proposed elevations. The consumption of alcohol is not permitted in any external area. <p>Reasons: In the interests of residential amenity.</p> 6. Prior to the commencement of the use, a noise and anti-social behaviour management plan shall be submitted to and approved in writing by the Council. The plan must clearly demonstrate the proposed arrangements for the supervision of behaviour on site including on arrival and egress from the premises and when patrons access the external smoking area. The premises shall not operate unless in accordance with the approved noise and anti-social behaviour management plan. 	

Reasons: In the interests of residential amenity.

7. Prior to the commencement of construction, the specification and sound reduction properties of the entrance doors and the doors from the members' lounge shall be submitted to and approved in writing by the Council. The premises shall not be operated unless the approved specification has been implemented and shall be permanently retained as such at all times.

Reasons: In the interests of residential amenity.

8. Prior to the commencement of construction, specific arrangements for the times of use of the storage area shall be submitted to and approved in writing by the Council. The premises shall not be operated unless in accordance with the approved arrangements.

Reasons: In the interests of residential amenity.

Prior to the operation of the use, a Noise Verification report which demonstrates that the rating level dB LAr from combined plant and equipment is 3dB below the existing background noise level when determined in line with British Standard 4142:2014, shall be submitted to and approved in writing by the Council.

Reasons: In the interests of residential amenity.

9. No cooking or reheating shall be permitted on site unless full details of the kitchen extraction and odour abatement measures, as well as details of the food types, cooking appliances and frequency of cooking proposed, have been submitted to and approved in writing by the Council. The information submitted shall demonstrate that the kitchen extraction and odour abatement system is fit for purpose and meets current industry guidance as presented in the EMAQ+ guidance: 'Control of noise and odour from commercial kitchen exhaust systems', dated 06/05/2022 (2nd EMAQ+ update). No cooking or reheating shall be permitted unless the approved scheme has been implemented and shall be permanently retained as such.

Reasons: In the interests of residential amenity.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
01- Site Location Map
02- Site Block Plan
03 -Proposed floor plans
04- Proposed elevations
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and

sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX

Date Valid	06/03/2023
Neighbour Notified	20/04/2023
Date First Advertised	19/04/2023
Date Last Advertised	19/04/20223

Details of Neighbour Notification (all addresses)

10 RIVERDALE PARK EAST, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9DA
 12 RIVERDALE PARK EAST, BALLYMONEY, BELFAST, ANTRIM, BT11 9DA
 134 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 136A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 138 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 138A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 139 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BW
 140-144 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 150 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 150A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 8 RIVERDALE PARK EAST, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9DA
 ANDERSONSTOWN LEISURE CENTRE, 132 ANDERSONSTOWN ROAD,
 BALLYDOWNFINE, BELFAST, ANTRIM
 FINTRA HOUSE, 152 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST,,
 ANTRIM, BT11 9BY