

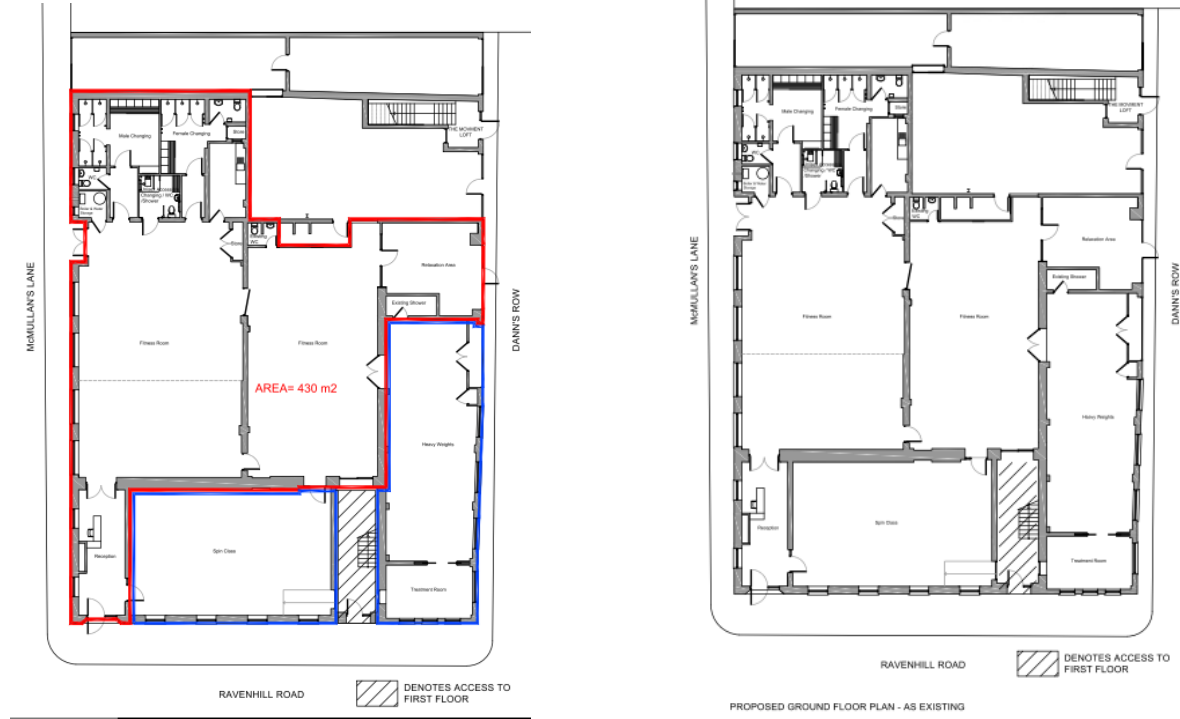
Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2022/0930/F	Committee Date: Tuesday 16 th April 2024
Proposal: Retrospective: Change of Use from Class A1 & D2 to a Gymnasium on Ground Floor.	Location: 47 Ravenhill Road Belfast BT6 8DQ
Recommendation:	Approve
Referral Route:	Paragraph 3.8.5 (f) of the Scheme of Delegation - There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.
Applicant Name and Address: Mark Carnaghan Motion Fitness, 47 Ravenhill Road, Belfast, BT6 8DQ	Agent Name and Address: Gerry Rodgers, GMR Architects Ltd, 411a Ormeau Road, Belfast, BT7 3GP
<p>Executive Summary:</p> <p>The application seeks full planning permission for the retrospective change of use from a Class A1 retail use and D2 dance hall to a gym which falls under Sui Generis use class. This site is adjacent the Ravenhill Road in East Belfast.</p> <p>The site is undesignated Whiteland within the BUAP 2001 and both versions of the dBMAP. The site sits within BT 009 Belfast Area of Parking Restraint (Fringe Area) and is directly adjacent to Arterial Route 01/13 Ravenhill Road.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> - Principle of Development, including location within COMAH Site - Design, Character & Appearance - Impact on Amenity - Area of Parking Restraint (Fringe Area) - Planning History <p>3 consultations were required, DFI Roads, BCC Environmental Health Services and Health and Safety Executive for Northern Ireland. DFI Roads and BCC EH are content subject to planning conditions and informatives being included. HSENI advise against granting planning permission at this site. To date 102 representations of support have been received from third parties.</p> <p>Recommendation</p> <p>Having regard to the development plan and other material considerations, including planning history and the high level of public support the proposal is on balance 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.</p>	

Site Location Plan:



Existing & Proposed Site Plans



Existing & Proposed Elevations



1.0 Characteristics of the Site and Area

The application site is referred to as No.47 Ravenhill Road, the ground floor unit of the larger 2 storey building at 45-47 Ravenhill Road. The site is undesignated Whiteland within the BUAP 2001 and both versions of the dBMAP. The site sits within BT 009 Belfast Area of Parking Restraint (Fringe Area) and is directly adjacent to Arterial Route 01/13 Ravenhill Road. The character of the immediate area along this stretch of the Ravenhill Road is industrial and commercial in nature. There are residential uses further down the Ravenhill Road approximately 80m from the site.

2.0 Description of Proposal

Retrospective: Change of Use from Class A1 & D2 to a Gymnasium on Ground Floor.

3.0 Planning Assessment of Policy and Other Material Considerations

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.

4.0 Policy Framework

4.1 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

	<p>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.</p>
4.2	<p>The site is undesignated Whiteland within the BUAP 2001 and both versions of the dBMAP. The site sits within BT 009 Belfast Area of Parking Restraint (Fringe Area) and is directly adjacent to Arterial Route 01/13 Ravenhill Road.</p> <ul style="list-style-type: none"> • The Belfast Local Development Plan – Plan Strategy 2035 (LDP) • The Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	<p>Relevant Site History</p> <ul style="list-style-type: none"> • Z/1973/0251 – 45/47 Ravenhill Road Erection of offices and showrooms.
6.0	<p>Statutory Consultations</p> <ul style="list-style-type: none"> • DFI Roads: No objection – subject to conditions • Health & Safety Executive for Northern Ireland: Advise against development.
7.0	<p>Non-Statutory Consultations</p> <ul style="list-style-type: none"> • BCC Environmental Health Service: No objection – Subject to conditions & informatives
8.0	<p>Representations</p>
8.1	<p>The application has been advertised in the local press and relevant neighbours have been notified. The Council have received 102 representations of support on behalf of this proposal from the local community and members.</p>
9.0	<p>Other Material Considerations</p> <ul style="list-style-type: none"> • The application site is directly adjacent to Tennants Textiles COMAH site.
10.0	<p>Principle of Development</p>
10.1	<p>This proposal seeks to rectify a retrospective change of use from a Class A1 & D2 use to a Gymnasium (Sui Generis) on the ground floor of 47 Ravenhill Road.</p>
10.2	<p>The application site lies within an area of white land along an arterial route; the presumption is in favour of development subject to other material considerations.</p>
10.3	<p>The application site also falls within a COMAH site because of its proximity to the Tennants Textiles Colours Plant on the lower Ravenhill Road. Tennants textiles store, use or handle specified dangerous substances above defined quantity thresholds. HSENI advice is based on a consideration of the type of development, the status and number of occupants and its proposed location relative to the Tennants Textiles Colour site. In general, HSENI will advise the Planning Service against proposals for new developments that would introduce large or vulnerable populations to the immediate vicinity of the site. This approach, and the methodologies used are consistent across the United Kingdom.</p>

10.3	HSENI have been consulted in relation to this proposal and responded expressing that they advise against granting planning permission at this site. HSENI state that based on the information provided in this planning application, the proposed development is within the inner zone of a nearby COMAH site. The PADHI (Planning Advice for Developments near Hazardous Installations) classifies the proposed development as DT2.4 – INDOOR USE BY PUBLIC, a development for use by the general public where total floor space (of all floors) is from 250 m2 up to 5000 m2. The assigned sensitivity level is two. HSENI previously responded with a consultation response dated 26th October 2023, the sensitivity level for the development was incorrectly stated as level one, when it should have been level two. The previous advice against permission was the same.
10.4	HSENI finally states in their consultation response that they assume the applicant will meet all the Health and Safety at Work (NI) Order 1978 requirements and relevant statutory provisions if planning permission is granted.
11.0	Design, Character, Appearance
11.1	The application site is the ground floor of No.47 Ravenhill Road. The building has not been physically altered for this proposal. The external façade has been painted dark grey and updated fascia signage has been erected over existing signage which is not subject to this planning application. The building is a 2-storey commercial style building with a flat roof reflecting that of the character of neighbour buildings in the immediate area. This proposal is compliant with Policy DES1 of LDP as there are no adverse design elements related to this building. The character of the area would be unchanged in this respect as the proposal is for a change of use to a gym.
12.0	Impact on Amenity
12.1	Belfast City Council Environmental Health Service have been consulted throughout the assessment of this proposal. Upon initial consultation, EH service requested that a Noise Impact Assessment be carried out as there may be a negative impact on the amenity of nearby properties as a result of noise disturbance emanating from the gym. A request was also made in relation to the submission of a Contaminated Land Risk Assessment. Records held by EH service indicate that the site of the proposed development is located on and in close proximity to past land use types that have the potential to contaminate land and pose a risk to human health.
12.2	Upon receipt of the Noise Assessment submitted by the applicant, EH service reserved some concerns, but which could be maintained through the implementation of related planning conditions. No Contaminated Land Risk Assessment had been submitted which the EH service requested again in their response.
12.3	The applicant subsequently submitted updated information regarding additional noise mitigation measures and confirmation that ground penetration works would not be required or have taken place which would cause concern or deem it necessary to provide a Contaminated Land Risk Assessment. A final response from the EH service dated 6th December 2023 and published on the planning portal on 7th December 2023 details that consideration had been given to these points and confirmed it would not be necessary to provide a Contaminated Land Risk Assessment based on the latest information provided by the applicant. On this basis, the EH service are generally content with the proposal on the basis relevant conditions and informatives are implemented subject to any permission, if granted.

12.4	DFI Roads Service have also been consulted in relation to this proposal from a parking and road safety perspective which is associated with the amenity of this location. Upon initial consultation DFI Roads service had issues with elements of the application not being completed so to indicate accurate numbers on the application form. DFI Roads also requested that a Parking Survey be submitted so to allow their service to provide substantive comments to the proposal. Upon the submission of DFI Road's requests, further consultation with DFI Roads deemed there was no objections to the proposal. It was noted in the final DFI Roads response which was published on the planning portal 22nd June 2023 that the "Planning Service should note the proposed parking provision falls short of Parking Standards and so overspill parking will probably occur within nearby residential streets".
12.5	The applicant has confirmed that the gym is a controlled class-led system in which is based on the maximum number of 8 members in each session including 2 coaches equating 10 people. Saturday mornings have a slightly higher requirement, up to 15 people attending a session including coaches. The gym currently has 97 members with a maximum capacity of 120 members. These 97 members are spread over 37 sessions per week. Based on this clarification and based on the evidence provided in the parking survey submitted to the Council, it would be difficult to conclude that the parking situation would have such an adverse impact or overspill to cause significant impact upon the amenity of the area.
13.0	Area of Parking Restraint (Fringe Area)
13.1	This element of the proposal is weighed against Policy TRAN 9 – Parking standards within areas of parking restraint. The application site falls within an Area of Parking Restraint (Fringe Area) as zoned in dBMAP which is a relevant material consideration as the Local Policies Plan has not been adopted yet. Policy TRAN 9 sets out guidance for parking standards. In this instance, for non-residential, non-operational spaces equates to 1 space per 100m ² floorspace associated with the development proposal. As the site has a floorspace of 375m ² this would allow for 3-4 spaces. There are no spaces to be created by the development, the site will utilise existing on-street parking which illustrated by the submitted parking survey shows that 4 spaces are required and over the course of 4 days at differing times that there are available spaces exceeding what is required. In addition the site is located in a sustainable location close to the city centre and along an arterial route with frequent bus services. This element is compliant with Policy TRAN 9 of the Local Development Plan.
14.0	Planning History
14.1	The application site originally had a retail use and assembly and leisure use which operated prior to the change of use to a gym. These were highly likely operations which similar numbers of the public visited to avail of their services. A gym which has a mechanism installed to control visitor numbers booking into classes is much more regulated than the previous uses at this site. Both DFI Roads and BCC EH hold no objections subject to the use of planning conditions to ensure minimal amenity concerns arise.
14.2	Furthermore, there is high level public support for this gym from its members, staff, and the local community with 102 representations of support in favour of sustaining this gym at this location.
14.3	Taking account of relevant planning policy, consultation advice and all other relevant material planning considerations including the representations of support for the service provided to the local community. On balance, the change of use is acceptable subject to

	<p>planning conditions, to include a management and evacuation plan is put in place in the event issues are to arise on the adjacent COMAH site.</p>
<p>16.0</p>	<p>Summary of Recommendation:</p> <p>The Council, on balance recommends that planning permission be granted, contrary to HSENI advice as a Statutory consultee. 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>17.0</p>	<p>Draft Conditions:</p> <ol style="list-style-type: none"> 1. This planning permission has effect from the date which the development hereby approved was carried out. Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011. 2. The operation of all combined plant and equipment which is external or vents via the external façades does not exceed the Plant Noise Limit presented in table 5 of the email from KRM dated 26/10/2023 entitled LA04/2022/0930/F, at the nearest noise sensitive premises, when measured at a distance of 1m. Reason: In the interests of residential amenity. 3. The reverberant noise level (resulting from amplified music, exercise equipment, patron noise and instructor noise) within the hereby approved gym premises shall not result in noise levels in excess of NR15 within the nearest noise sensitive receptor. Reason: in the interests of amenity in residential and commercial premises. 4. The hereby approved gym must not operate between 2300Hrs to 0600Hrs on any day. Reason: in the interests of residential amenity. 5. In the event that any combustion plant, where the single or combined NOx emission rate is more than 5mg/sec, is proposed to be installed in connection with the development, the applicant must submit an Air Quality Impact Assessment to the Planning Authority for approval in writing. Reason: Protection of human health. 6. Within one month of the date of this approval an appropriate management plan shall be submitted and agreed with the Council, to include evacuation measures given proximity to the Tennent Textile COMAH site, and in line with HSENI advice. The gym shall thereafter comply with the agreed management plan. Reason: In the interests of public safety.