

Public Document Pack

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



**Belfast
City Council**

11th October, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 17th October, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

- 9 (c) LA04/2023/2850/F- Change of use from Parish Hall to licensed Social Club. Renewal of previous application LA04/2018/2081/F, 146 Andersonstown Road, Andersonstown, Belfast (Pages 1 - 20)

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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

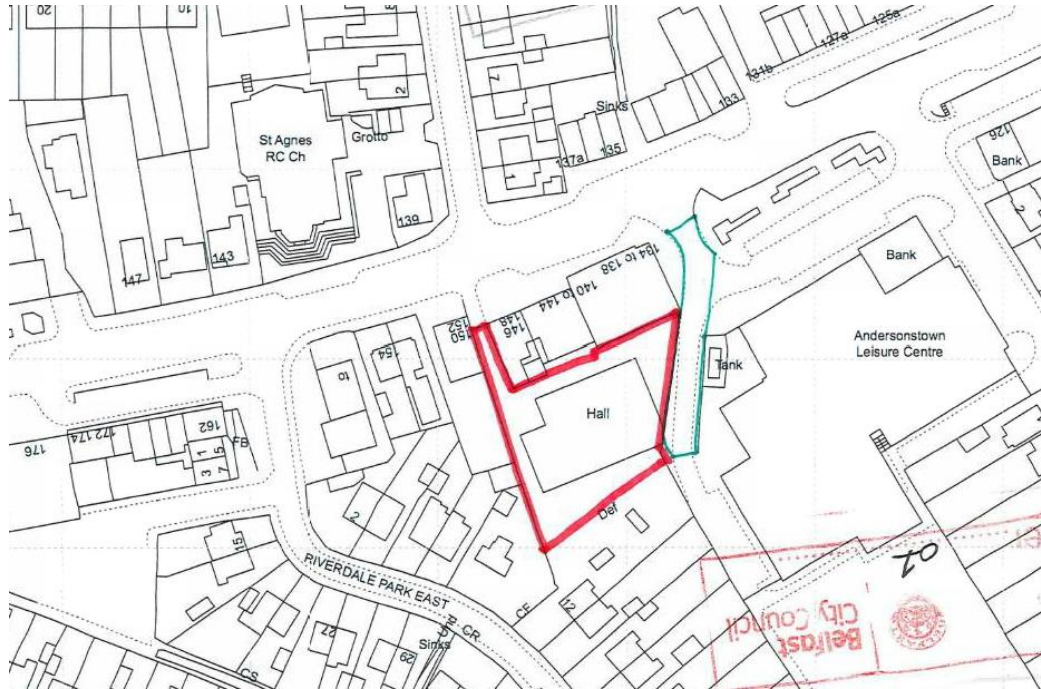
Having regard to the development plan and other material considerations, including the outcome of the previous appeal, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

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 the 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

Appeal Reference:	2019/A0137
Appeal by:	Heron Bros Ltd
Appeal against:	The refusal of full planning permission
Proposed Development:	Change of use from parish hall to licensed social club
Location:	St Agnes Parish Hall, 146 Andersonstown Road, Andersonstown, Belfast
Planning Authority:	Belfast City Council
Application Reference:	LA04/2018/2081/F
Procedure:	Hearing on 26 th February 2020
Decision by:	Commissioner Diane O'Neill, dated 20 th March 2020

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Preliminary Matters

2. Section 59(1) of the Planning Act (NI) 2011 states that a party to the proceedings is not to raise any matter which was not before the Council at the time the decision appealed against was made unless that party can demonstrate (a) that the matter could not have been raised before that time or (b) that its not being raised before that time was a consequence of exceptional circumstances. Section 59(2) states that nothing in subsection (1) affects any requirement or entitlement to have regard to (a) the provisions of the local development plan, or (b) any other material consideration. The planning authority raised an objection to the consideration of amended drawings submitted within the appellant's statement of case evidence and at the hearing.
3. The planning application for the proposal was submitted to the planning authority on 9th August 2018. Following previous consultation on the proposal, on the 8th February 2019 the council's environmental health section stated in their response that bin storage areas had not been identified on the plans. Confirmation was to be provided of waste bin storage areas including specific arrangements for the storage and disposal of waste bottles within the site given the potential to cause significant noise disturbance. The planning authority and the objectors identified a further concern in relation to the possibility of noise breaking out from the premises due to access being possible to the proposed smoking area via a door located on the northern elevation of the appeal building. Within the planning authority's statement of case evidence concern was also raised that, due to a building control note on the submitted drawing, the appellant intended to sub-

divide the building to create separate office space with the capacity for 50 persons and that this could not be considered as part of the current proposal.

4. The amended drawings submitted within the appellant's statement of case evidence were primarily intended to address the planning authority's concern in relation to the storage of bins on the appeal site. The drawings were further amended and presented at the hearing to show that the first floor area would be 'surplus space', as opposed to unrelated office accommodation. The door opening into the smoking area was also removed.
5. As well as requesting confirmation of the waste bin storage areas and arrangements for the storage and disposal of waste bottles within the site, the environmental health consultation reply of 8th February 2019 recommended a number of conditions in the event of planning permission being granted by the planning authority. The appellant understood this to mean that environmental health had no objection to the proposal. The environmental health consultation reply was available on the planning portal and was viewed by the appellant however the planning authority did not formally request the information sought given their objection to the principle of the development. Although the drawings could have theoretically and technically been submitted by the appellant prior to the planning committee meeting on 11th June 2019, and whilst the appellant chose not to attend the meeting, the drawings sought to address the issue of the waste storage areas which was not a new matter; it was before the Council at the time the decision appealed against was made.
6. The removal of a proposed door opening into the smoking area sought to respond to the planning authority's and objectors' concerns about the potential for noise breakout from the premises. This is a minor amendment to the proposal, which essentially would reduce the proposed changes to the fabric of the existing building, in order to help overcome the reason for refusal. Although it could have been removed prior to the planning application being present to the planning committee, it sought to address the issue of noise which is not a new matter; it was before the Council at the time the decision appealed against was made.
7. The annotation that the first floor accommodation would be 'surplus space' arose from a concern raised by the planning authority in their statement of case evidence. The appellant would not have been alerted to this concern prior to the receipt of this evidence. It would therefore not have been possible to amend the drawing before this time. Although the provision of self-contained office development would require planning permission in its own right, given that the amendment provides clarification as to the use of the first floor of the building, it would be unreasonable not to allow the annotation.
8. Given that the drawings overcome the planning authority's concerns in relation to the positioning of the waste bin storage area, provide clarification of the first floor use of the building and seek to reduce the noise emitting from the proposal, to not allow the drawings would produce an austere and unfair outcome. I therefore consider these drawings to be admissible; they will be assessed as part of this appeal.

Reasons

9. The main issue in this appeal is whether the proposal would have in a detrimental impact on the residential amenity of nearby residents.
10. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Belfast Urban Area Plan 2001 (BUAP, 1990) operates now as the statutory development plan for the area with draft BMAP, published in 2004, being a material consideration in the determination of the appeal. In the BUAP and draft BMAP the planning application site is whiteland within the development limit of Belfast.
11. The appeal site accommodates St Agnes Parish Hall located off the Andersonstown Road. The two-storey building is finished in rough render and has a pitched roof. The only ground floor window openings are located on the eastern elevation of the building. The site is enclosed by metal security fencing. The main access to the site is via a laneway, which slopes in a southerly direction, located between Nos.146/148-150/152 Andersonstown Road. Along the Andersonstown Road, to the north of the appeal building, there is a row of commercial premises which include a restaurant, furniture store and hairdressers. There are bays for on-street parking along the frontages of these premises. Commercial premises located to the north-west of the appeal site have an associated car park located to the west of St Agnes Parish Hall. To the west and south of the appeal site are the Riverdale Park East residential properties. To the east of the appeal site is the newly renovated Andersonstown Leisure Centre. Pedestrian access is currently available to St Agnes Parish Hall via gates located along the eastern boundary of the appeal site adjacent to the leisure centre.
12. The appeal proposal is to change the use of St Agnes Parish Hall to a social club in order to accommodate the Casement Park Social Club. Although considerable alterations are required to the interior layout, the main changes to the exterior of the building would be to accommodate a bin store and smoking shelter area along its northern front elevation. The access to the building would remain to be via the existing laneway with the pedestrian accesses along the eastern elevation being only for emergency exit. Whether the appellant has a legal right to use these pedestrian accesses is a civil matter between the parties. Whether or not the appellant has erected an unauthorised gate within the appeal site is a matter for the planning authority to investigate.
13. Paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) is the basis for the reason for refusal due to a concern that, if permitted, the proposal would result in an incompatible land use in close proximity to residential dwellings and have a detrimental impact on the residential amenity of nearby residents through the potential for noise, nuisance and general disturbance.
14. A planning application (LA04/2017/0474/F) was submitted on 28th February 2017 in order to redevelop the existing Casement Park premises to create a regional Gaelic Athletic Association (GAA) stadium. This application is currently being

assessed by the Department of Infrastructure and is thought to be at an advanced stage. If approved, it is anticipated by the appellant, who is the main appointed contractor for the redevelopment, that the planning and construction period would last for the next 3-6 years. The appeal proposal is to relocate the approximately 50 year old Casement Park Social Club, which is currently sited within a stand which is proposed for demolition, in order to facilitate the redevelopment of the stadium and to permit the club to continue to operate during this process. The relocation of the club is also the subject of a legal agreement between the Ulster Council of the GAA, the Trustees of Casement Park and the Department of Culture, Arts and Leisure which requires vacant possession of the site as a condition of the current funding arrangement. The proposed stadium would include a dedicated area for the Casement Park Social Club and the appellant provided assurance that the relocation of the club would only be for the duration of the redevelopment. I am therefore satisfied that there would not be two Casement Park Social Club facilities once the redevelopment is complete.

15. Temporary planning permission had been granted on two occasions (2015 and 2017) for the social club to relocate to a prefabricated modular building on land south east of No.102 Andersonstown Road and to the rear of the dwellings at Nos. 2 and 4 Owenvarragh Park. The landowner of this site however limited the rental of the ground to a 2-2 ½ year lease and the appellant stated at the hearing that it is unlikely that it is still available. Due to uncertainties about the timeframe of the redevelopment project, the constraints that temporary venues can pose in terms of entertainment licencing and the acoustic benefits of the appeal building over a temporary modular building, the appeal proposal was considered by the appellant to be a more suitable proposition. Concern was however raised by the planning authority and the objectors in relation to the impact of the appeal proposal on the existing residential properties at Riverdale Park East.
16. The appellant's Noise Impact Assessment followed the requisite assessment methodology provided by British Standard 8233: Guidance on Sound Insulation and Noise Reduction for Buildings (2014) and the World Health Organisation (WHO) Guidelines for Community Noise (1999). These guidelines consider that for bedrooms the sleep disturbance criteria should be taken as an external noise level of 45dB L_{Aeq} and above. The WHO Environmental Noise Guidelines for European Region (2018) are not applicable in this case as they relate to outdoor exposure to environmental noise from road traffic, railway traffic, aircraft, wind turbines as well as outdoor and indoor exposure during leisure activities. A background noise level of 48dB L_{Aeq} was recorded in proximity to the rear of the Riverdale Park East properties which is in excess of the British Standard 8233 and WHO guideline level of 45dB L_{Aeq} . The appellant's technical expert and the environmental health officials considered this to be representative of such an urban location. No substantive evidence was presented to support the objectors' assertion that road widening works were being carried out at the time of the survey which could have influenced the readings and the planning authority agreed that the readings reflected the existing background noise level at this location.
17. Taking account of the predicted noise levels arising from the proposed smoking area, boiler plant and noise breakout and assuming a worst case scenario of high internal noise level of 80dB(A) with all doors wide open, a noise level of 38.6-41.4dB(A) was anticipated at the Riverdale Park East properties. A predicted noise level of 42dB(A) would have been anticipated at No.2 Owenvarragh Park if

the social club were to operate from the modular building. Although a consultee, the environmental health officers, as the planning authority's technical experts, accepted the finding of the Noise Impact Assessment that there would be no increase in the existing noise level at the Riverdale Park East properties. Conditioning that a noise verification report be submitted and approved by the planning authority, whereby the rating level from the combined plant and equipment would be 3dB below the existing background level, would address the concern that the equipment may have to be repositioned on the site. If this condition was imposed and given the separation distance between the residential properties and the hall, environmental health had no concern about resultant noise. 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.

18. 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. The club currently opens less hours than what they are permitted in their licence namely Monday to Friday 7.30pm-11pm, Saturday 12noon-11pm and Sunday 12.30pm-10pm.
19. 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. There is no record of complaints in relation to the existing club over the 7 year period for which records are retained. Although the appeal building is of a considerable size, this does not however mean that it will be used to full capacity given the existing level of members' usage of the current club. Environmental health had no record or recollection of noise complaints at the appeal building and whilst the hall did not have a liquor licence it did have a 14 day occasional entertainment licence. The objectors stated that discos were stopped at the hall approximately 20 years ago following noise complaints from neighbouring residential properties however the planning authority had no record of such complaints. The appellant is said to have no intention to start to hold such events which are currently not being held within the existing club. The age profile of the club's members, with the majority being over 60 years old, would also make the demand for such events more unlikely. 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.

20. Although the number of people allowed in the premise under the entertainment licence would not be known until the licence is granted and no condition limiting the number was proposed by the planning authority, it is a reasonable proposition that it would be on nights when there is entertainment that people would be most attracted to attend the venue. The submission of a more robust noise management plan could be the subject of a planning condition in order to address, among other things, the dispersal of patrons which the environmental health officials stated was when a noise issue could arise. The plan could require that patrons travelling by car are dropped off and collected along the Andersonstown Road with only those with mobility difficulties having vehicular access to the appeal site. Patrons and their guests having to sign a registrar, as is the current practice and which could be specified in the management plan, would help to control the numbers attending the premises. The plan could also set out details in relation to the management of the smoking only area, which it is estimated could accommodate 12 patrons, to ensure it is used by smokers as opposed to these patrons standing elsewhere outside the premises. If such a plan was in place, together with the extended opening hours being limited to a maximum of 84 days, then environmental health officials had no objection. No persuasive evidence was presented as to why the planning authority could not enforce the management plan and monitor the premises if the appellant provided the planning authority with advanced notification of when the extended hours opening was granted. A notification period of a minimum of 14 days would be reasonable given the practice of applying for all of the extended opening days once a year; it would be an adequate duration of notice of the first event after the licence to arrange any inspection. A longer one month notification period, as suggested by the planning authority, could result in the appellant having to notify the planning authority prior to it being agreed with the PSNI.
21. If there transpired to be an issue in relation to noise nuisance arising from the proposal, including from the 84 days of extended opening, I am satisfied that the registration of the club under the Registration of Clubs (NI) Order 1996, entertainment licencing, the club's disciplinary provisions as well as the environmental health complaint process would come into play. There is no record of such an issue arising from the operation of the social club at its current location and mitigation measures such as the sound proofing of self-closing doors should help to control the out-breaking of noise. Given the presence of the air-handling unit, there should be no necessity for the doors to be kept open for air circulation purposes. Given the restricted nature of the site, there is also limited space for patrons to loiter and a gate would prohibit access to the rear of the building. Deliveries and collections by commercial vehicles could also be conditioned to occur during the daytime Monday to Friday as per the service management plan.
22. The appeal proposal does not include in-curtilage parking provision and objectors raised concern that Riverdale Park East would be used for overnight car parking by patrons. However, given that the club would be serving alcoholic beverages, that patrons may come on foot as they are likely to reside in the local area, that the location is highly accessible by public transport and private taxi, the presence of on-street parking along the Andersonstown Road and the lack of objection by the planning authority and DfI Roads, in this instance I am satisfied that in-curtilage

parking is not required. Concern in relation to the safety of the vehicular access arrangement was not substantiated and the planning authority and DfI Roads had no objection to this matter.

23. 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. The separation distance between the proposed smoking area and the Indian restaurant should ensure that they could co-exist without there being a fire risk. Given the separation distance between the appeal building and the Riverdale Park East dwellings, lack of patron access to the rear of the property and the proposed location of the smoking area along the northern elevation, 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. The use by the social club would be restricted to the ground floor of the appeal building where there are no windows to cause increased overlooking of neighbouring residential properties. In terms of concern in relation to the number of public houses and clubs within proximity of the appeal site, this is to be expected in such an urban location and the proposal is for the temporary relocation of an existing club. There are no proposed changes to the existing kitchen facilities and no intention to have food catering on site. At any rate, conditioning the retention and maintenance of the kitchen extraction and odour abatement system would protect the residential amenity of neighbouring residential properties. Substantive evidence was not presented by the objectors to support the assertion that increased vermin would be attracted to the site. No new external lighting is proposed at the appeal site.
24. The objectors alluded to other, what they considered to be more suitable, premises being available within the locality. Although the appellant stated that a robust assessment had been carried out, there is no planning requirement for the appellant to demonstrate that there are no other suitable premises in the locality. Given the presence of a considerable number of commercial and leisure premises, it is not accepted that the relocation of the club to the existing parish hall would result in a change to the character of this mixed use area. No substantive evidence was presented that the proposal would cause an unacceptable depreciation of the value of neighbouring residential properties.
25. The planning authority stated that the previously proposed smaller modular building would have been of temporary construction which could be removed and had proposed differing hours of operation with no reference within technical reports to exceptional opening days. The planning authority also argued that the background sound climate was different where the modular building was proposed as the amenity of residential properties at this location was already impacted by their proximity to Casement Park and to the Andersonstown Road arterial route. However, the Riverdale Park East properties are also in close proximity to the Andersonstown Road and abut the existing hall complex as well as leisure and commercial premises. The appellant highlighted that the 2014 noise survey for the modular building proposal was conducted for a shorter duration midweek with the monitoring equipment at a more open location. The Noise Impact Assessment for the appeal proposal found that there would be no increase in the existing noise level at the Riverdale Park East properties. There also appears to

be no reasonable prospect of the previous site being available for the required duration of the anticipated redevelopment. It is accepted that the current location of the social club within the Casement Park complex could be an obstacle to its redevelopment if it is approved planning permission. It is also accepted that the club offers community benefits with its not-for-profit and charitable background and it needs to remain in the community in which it serves. The temporary permission could be limited to a duration of 3 years in order to correspond with the lower end of the estimated construction timescale and to allow the use not to exceed the potential enforcement period. A further application could be made to the planning authority should the redevelopment be delayed beyond the three year period.

26. Objectors raised a concern about the cumulative impact of noise when Casement Park and the leisure centre are operational as well as from other local entertainment establishments. Given that the social club is to be able to return to the stadium within 5 days of its practical completion, Casement Park is 200m away from the appeal building and that the hall acts as a noise barrier between the residential properties and the leisure centre, this concern is not supported. Late night disturbance from anti-social behaviour and entertainment establishments operating in the area is an existing issue and I am not persuaded that the proposal would unacceptably exacerbate the matter. In terms of a concern about precedent, the proposal is specifically for the temporary relocation of the Casement Park Social Club and once it would vacate the hall any future scheme would have to be assessed on its own merits.
27. Accordingly, the reason for refusal and the objectors concerns in relation to this matter are not sustained.
28. As the proposal would be in accordance with planning law and policy, there would be no infringement of the human rights of neighbouring residents.

Conditions

- (1) The use hereby permitted shall be carried on 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 the appellant ceases to carry on the use, whichever shall first occur, the use shall cease.
- (2) The use hereby permitted relates to the ground floor only and the first floor shall only be used for ancillary purposes.
- (3) The hours of operation shall be 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 planning authority shall receive a minimum of 14 days notice of an extension having been granted.
- (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.
- (5) Smoking is only permitted within the enclosure along the front elevation of the building as shown on Drawing PAC 1 1:100 proposed ground and first floor plans and Drawing PAC 2 1:100 proposed elevations both submitted at the hearing. The consumption of alcohol is not permitted in any external area.
- (6) Prior to the commencement of the use, the applicant shall submit to and have agreed in writing within the planning authority a noise and anti-social behaviour

- management plan. 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.
- (7) Prior to the commencement of construction, the appellant shall submit to and have agreed in writing with the planning authority the specification and sound reduction properties of the entrance doors and the doors from the members' lounge.
 - (8) Prior to the commencement of construction, the appellant shall submit to and have agreed in writing with the planning authority specific arrangements for the times of use of the storage area.
 - (9) Prior to the operation of the use, the appellant must submit to the planning authority 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.
 - (10) A proprietary kitchen extraction and odour abatement system must be permanently retained on site to service any cooking operations. The system must be cleaned and maintained to the satisfaction of the planning authority.

This decision is based on the following drawings:-

Drawing 01 1:1250 site location plan dated received by the planning authority on 9th August 2018

Drawing 02 1:500 block plan dated received by the planning authority on 9th August 2018

Drawing PAC 1 1:100 proposed ground and first floor plans submitted at the hearing

Drawing PAC 2 1:100 proposed elevations submitted at the hearing

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority
(Belfast City Council):-

Ms Denise Kiley, barrister
Ms Trudy Harbinson, planner
Ms Miriam Quinn, Environmental Health
Ms Louise Coll, solicitor

Appellant:-

Mr David Scoffield, QC
Ms Gemma Jobling, JPE Planning
Mr Mervyn Keegan,
AONA Environmental Consulting
Ms Maria O'Loan, Tughans
Mr Paul Horscroft, Horscroft Design
Mr Damian Murray, Atkins

Third Parties
Objectors:-

Mr Peter Cassidy, No.29 Riverdale
Park East
Mr Gerard McLarnon, No.8 Riverdale
Park East
Ms Philomena McLarnon, No.8 Riverdale
Park East
Dr Eimear Barrett, No.12 Riverdale
Park East

List of Documents

Planning Authority
(Belfast City Council):-

Statement of Case PA 1

Appellant (JPE Planning-agent):-

Statement of Case A 1

Third Parties Objectors

Ms Una Mulgrew

(on behalf of residents of Riverdale Park East):-Statement of Case O 1