

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 June 2016	
Application ID: LA04/2015/0957/F	
Proposal: Construction of public house to include installation of proprietary odour abatement system	Location: 50m South East Of 14 Good Shepherd Road Dunmurry Poleglass BT17
Referral Route: Councillor requested this be brought before Committee	
Recommendation:	Approval with conditions
Applicant Name and Address: Diamond Pubs 2A Carnmoney Road Newtownabbey BT36 3HL	Agent Name and Address: Fresh Design 667 Shore Road Whiteabbey BT37 0ST
<p>Executive Summary: The application seeks full planning permission for the construction of public house to include installation of proprietary odour abatement system</p> <p>The site is located within the development limits of Belfast as designated in Belfast Metropolitan Area Plan 2015. The Development Plan identifies the site as unzoned land.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> ● Principle of public house on the site ● Road safety ● Noise and impact on neighbouring amenity ● Design and layout <p>The proposal was assessed against the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 3: Access, Movement and Parking, as well as DCAN 7: Public Houses.</p> <p>All relevant neighbours were notified and the proposal was advertised in the local press. Two representations were received raising the following issues:</p> <ul style="list-style-type: none"> (a) No consultation was held with the school (b) Traffic (c) Potential for anti social behaviour (d) Increased litter (e) Advertising could influence young children <p>All consultees offered no objections in principle to the proposal.</p> <p>An approval with conditions is recommended.</p>	

Case Officer Report

Site Location Plan



REV

Drawing
Number 1

S/C
CHIEF EXECUTIVE
DEPARTMENT
RECEIVED

3 AUG 2015

BELFAST PLANNING
SERVICE

PROJECT:
Identical reinstatement of previous
constructed public house on Good

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0	Description of Proposed Development Construction of public house to include installation of proprietary odour abatement system
2.0	Description of Site The site is located at lands 50m South East of 14 Good Shepherd Road, Dunmurry and is sited on the roadside. Belfast Metropolitan Area Plan 2015 defines the site as white land. The existing is a vacant site with hardstanding. There is some vegetation to the southern boundary and a retaining wall with fencing to the western. The eastern boundary which abuts the road is undefined. There is residential development opposite and a Primary School and Nursery nearby.

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History There is relevant history on the site under the following applications: S/1997/0633 – Replacement public house – permission granted This development was carried out but the public house was burnt down in 2014.</p>
4.0	<p>Policy Framework 4.1 Belfast Metropolitan Area Plan 2015 4.1.1 No zones 4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good design paras 4.11 – 4.12 4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.3.1 Policy AMP 1: Creating an Accessible Environment</p>
5.0	<p>Statutory Consultees 5.1 Transport NI – No objection 5.2 Northern Ireland Water Ltd - No objection 5.3 NIEA Waste Management Unit - No objection subject to conditions</p>
6.0	<p>Non Statutory Consultees 6.1 BCC Environmental Health – No objection subject to conditions</p>
7.0	<p>Representations The application has been neighbour notified and advertised in the local press. Two representations have been received.</p>
8.0	<p>Other Material Considerations 8.1 DCAN 7: Public Houses</p>
9.0	<p>Assessment 9.1 The site is located within Belfast's development limits as designated in Belfast Metropolitan Area Plan 2015. The site is white land.</p> <p>9.2 The key issues to be considered are: (a) Principle of public house on the site (b) Road safety (c) Noise and impact on neighbouring amenity (d) Design and layout</p> <p>9.3 Two representations were received from Good Shepherd Primary School and Good Shepherd Nursery School raising the following issues. All issues of concern raised within these representations are fully considered against relevant planning policy and guidance throughout the report and when making a recommendation. Some of these are however outside of the remit of the Planning Authority. (a) No consultation was held with the school (b) Traffic (c) Potential for anti social behaviour (d) Increased litter (e) Advertising could influence young children</p> <p>9.4 The proposal makes use of the full site and proposes a single storey public house with off sales area. The use was already established on the site with the previous public house however after a fire the site was cleared for safety purposes. Therefore the land use has not been abandoned and it would be unreasonable to offer any objections to the</p>

principle of the proposed use, subject to further consideration below.

9.5 SPPS

The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. In consultation response dated 19/10/15 BCC Environmental Health raised concerns regarding the potential impact on the amenity of the nearby residents from noise pollution. A noise assessment was carried out and submitted for consideration. Design measures have been recommended to be incorporated within the development to ensure a suitable noise climate and Environmental Health suggested conditions to be attached should approval be granted. In their initial response they also raised concerns with regards to potential contamination since the site was subject to a previous fire and burning of various materials. A preliminary Risk Assessment was submitted which alleviated their concerns. This was also forwarded to NIEA who confirmed that no potentially unacceptable risks to environmental receptors were identified. The suggested conditions to address any further contamination which should be attached should approval be granted.

9.6 AMP 1 of PPS3

There is no off street parking proposed as part of the development? DRD Transport NI is the authoritative body on road safety and transport issues. No off street spaces are proposed and Transport NI responded to consultation with no objection on 16/10/15. They were subsequently requested to view the objection letters however they confirmed their position as unchanged.

9.7 In terms of design and layout the proposal is the same as what was approved and constructed on site. The proposed design is single storey with a hipped roof with external materials as a smooth render finish and slate grey tiles. These are acceptable for the area. A landscape plan was submitted to aid screening of the proposed smoking area and shall be conditioned.

9.8 Belfast Planning Service met with the objectors and an elected member to discuss concerns regarding the proposal. The issue of road safety and potential traffic calming measure were discussed. It was highlighted that there was an opportunity to request traffic calming measures and when subsequently approached the applicant confirmed their willingness to make contributions to potential traffic calming measures and enter into a Section 76 agreement. Belfast Planning Service approached Transport NI regarding developer contributions to provide traffic calming measures along Good Shepherd Road. Transport NI advised that there would be no additional traffic generated from the replacement public house and as such traffic calming measures could not be justified.

9.9 Objectors raised concerns that they were not formally consulted regarding this proposal. Good Shepherd School and Nursery school are not required to be notified under the neighbour notification scheme. The objectors have had the opportunity to raise concerns which have been addressed and therefore they have not been prejudiced.

9.10 Concerns were raised regarding potential littering, untidiness and creation of an eyesore. The design of the proposal has been considered above and will redevelop the vacant site. Potential littering can be adequately controlled by the use of appropriately located bins.

9.11 Increase in anti-social behaviour and potential for damage to the school buildings was also raised as an issue. The potential for damage to the schools is outside the control of the planning authority. Annoyance from noise is a valid planning

	<p>consideration. The public house is located in a mixed use area comprising education/community/retail and residential uses and as such the potential for noise annoyance is reduced given the mix of uses. On balance given the previous use which established the principle of a public house on the site little weight can be attached to this issue.</p> <p>9.12 Concerns were raised regarding advertisements in the vicinity of children. Signage was not included as part of this applicant and any proposed advertising will be subject to a separate application for advertising consent.</p> <p>9.13 The proposal is considered to be in compliance with the development plan and relevant planning policies and supplementary guidance.</p> <p>9.14 Having regard to the policy context and other material considerations above, including representations, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>
10.0	Summary of Recommendation: Approval with conditions

Neighbour Notification Checked: **Yes/No**

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The noise level of any installed item of plant shall not exceed 63.6 dB L aeq 5 min at a distance of 1m from the premises.

Reason: In the interests of amenity.

3. No commercial deliveries to or collections from the proposal shall take place between the hours of 8am and 10am, or between 1pm and 4pm.

Reason: In the interests of amenity.

4. The public bar to be constructed as detailed in the approved plans Drawing No. 3A, 4A & 5A and the proposed glazing (doors and other facade components) must provide at least 32db Rw sound attenuation and meet the spectral sound reduction detailed within Table 3 of the Noise Report. Suitable mechanical ventilation shall be agreed in writing with Belfast City Council prior to installation and shall be designed so that internal noise will not escape nor air handling tones be perceptible at the nearest residential premises.

Reason: In the interests of amenity.

5. A proprietary odour abatement system shall be installed prior to commencement of the use to suppress and disperse odours created from cooking operations on the premises. The outlet from any extract ventilation shall terminate as detailed in approved Planning Drawing No. 04A and 05A. The extraction and ventilation system must be cleaned and maintained in accordance with the manufacturer's instructions to ensure compliance with the above condition.

Reason: In the interests of amenity.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. After completing any remediation works under Condition 6; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. The proposed planting, as indicated on approved drawing No 06 bearing the date stamp 11/03/16, shall be undertaken during the first available planting season after the occupation of the dwellings hereby approved.

Reason: In the interest of visual amenity.

9. The existing planting, as indicated on Drawing No 06, date stamped 11/03/16, shall be permanently retained and the proposed planting, as indicated on the same stamped drawing, shall be undertaken during the first available planting season after the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity.

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

ANNEX	
Date Valid	3rd August 2015
Date First Advertised	25th September 2015
Date Last Advertised	8th April 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Colin Centre,Poleglass,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 1 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 10 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 11 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, Governors The Good Shepherd Nursery School, 11, Good Shepherd Road, Dunmurry, Dunmurry, Antrim, Northern Ireland, BT17 0PJ The Owner/Occupier, 12 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 12 Good Shepherd Road,Poleglass,Dunmurry,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 13 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 14 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 14 Good Shepherd Road,Poleglass,Dunmurry,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 15 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 16 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 17 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 2 Colin Centre,Poleglass,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 2 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 3 Colin Centre,Poleglass,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 3 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 4 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 4 Good Shepherd Road,Poleglass,Dunmurry,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 5 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 6 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 6 Good Shepherd Road,Poleglass,Dunmurry,Dunmurry,Antrim,BT17 0PP, The Owner/Occupier, 7 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 8 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, 9 Good Shepherd Court,Poleglass,Dunmurry,Antrim,BT17 0LS, The Owner/Occupier, Colin Mill Lodge,Good Shepherd Road,Poleglass,Dunmurry,Dunmurry,Antrim,BT17 0PP, Governors The Good Shepherd Primary School, The Good Shepherd Primary School, Good Shepherd Road, Dunmurry, Dunmurry, Antrim, Northern Ireland, BT17 0PJ</p>	
Date of Last Neighbour Notification	7th April 2016
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: S/1992/0380

Proposal: Extension to Public Bar

Address: COLINMILL LODGE GOOD SHEPHERDS ROAD POLEGLASS BELFAST

Decision Date:

Ref ID: S/1997/0633

Proposal: Replacement public house

Address: COLINMILL LODGE GOOD SHEPHERD ROAD DUNMURRY

Decision Date:

Ref ID: S/1980/1068

Proposal: PUBLIC HOUSE

Address: SCHOOL ROAD, POLEGLASS

Decision Date:

Ref ID: S/2011/0304/F

Proposal: 23 No 5 person 3 bedroom social housing dwellings and associated gardens, driveways and roads infra-structure.

Address: Lands adjacent to Good Shepherd Primary School, Good Shepherd Road, Poleglass, Belfast, BT17 0PP.,

Decision Date: 07.06.2012

Ref ID: S/1990/0919

Proposal: G A A Social and Recreational Premises

Address: POLEGLASS PLAYING FIELDS ADJACENT TO PEMBROOKE LOOP RD BELFAST

Decision Date:

Ref ID: S/1990/0377

Proposal: GAA Club Social and Recreational Premises

Address: POLEGLASS PLAYING FIELDS ADJACENT TO PEMBROOKE LOOP ROAD BELFAST

Decision Date:

Ref ID: S/2011/0769/F

Proposal: Provision of 65 no social housing units including associated infra-structure, car parking, private amenity space and public open space on lands south of Springbank Drive, Poleglass, on a former GAA pitch next to Pembroke Loop Road and provision of a new GAA pitch at Sally Gardens, Sally Gardens Lane, north of Bell Steel Road, Poleglass (amended description).

Address: Former John Mitchels GAC Pitch, Pembroke Loop Road and site of Sally Gardens, Sally Gardens Lane, Poleglass.

Decision Date: 28.03.2012

Ref ID: S/1986/0168

Proposal: CONVERSION OF ROOFSPACE AT FIRST FLOOR LEVEL FOR EXTENSION TO LOUNGE BAR

Address: COLIN MILL LODGE, SCHOOL ROAD, POLEGLASS

Decision Date:

Ref ID: S/1992/0884

Proposal: Extension to form self-contained bookmakers

Address: COLINMILL LODGE PUB GOOD SHEPERDS ROAD POLEGLASS, BELFAST

Decision Date:

Ref ID: LA04/2015/0957/F

Proposal: Construction of public house

Address: 50m South East Of 14 Good Shephard Road Dunmurry Poleglass BT17,

Decision Date:

Ref ID: LA04/2015/1395/PAD

Proposal: Development of 10 apartments for social housing with communal parking to rear

Address: 50m South East of 14 Good Shepherd Road, Dunmurry, Poleglass, BT17 0LS,

Decision Date:

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:

Notification from Elected Members: Councillor Heading declared an interest 05/11/15