

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID:	LA04/2018/2081/F
Proposal: Change of use from parish hall to licensed social club.	Location: St Agnes Parish hall 146 Andersonstown Road Ballydownefine Andersonstown Belfast
Referral Route: Request of City Solicitor	
Recommendation:	Refusal
Applicant Name and Address: Heron Bros Ltd 2 St Patrick St Draperstown BT45 7AL	Agent Name and Address: Horscroft Design Courthill House 2 Fair Hill Cushendall BT44 0ND
<p>Executive Summary:</p> <p>The proposal is for full planning permission for a change of use of St Agnes Parish Hall (Sui Generis) to a Social Club (Sui Generis). The proposal includes changes to the internal layout, but no alterations to the external elevations are proposed.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Proposed design, layout, scale and massing; • Case of need; • Consideration of noise impact assessment; • Impact on residential amenity; • Impact on traffic and parking provision; • Consideration of representations; • Other environmental factors. <p>The principle of the proposed use is considered to be unacceptable and incompatible with the existing residential area and proximity to residential dwellings and if permitted would result in a detrimental impact to the residential amenity of adjacent properties.</p> <p>Whilst they are not the applicant, the intended occupier is stated as the Casement Park Social Club. They have submitted a case of need for a temporary relocation of the social club for the duration of the Casement Park Stadium redevelopment which is under consideration by the Department for Infrastructure.</p> <p>Environmental Health responded requesting further information and suggesting conditions. Planning considers that attaching the suggested conditions would not meet the tests for conditions and would not adequately address amenity issues around noise, nuisance and general disturbance; and the potential for cumulative impacts with the introduction of a non-compatible use at this location.</p>	

DFI Roads has no objection to the proposal.

40 objections have been received from local residents raising concerns in respect of the impact of the proposal on residential amenity by way of noise, disturbance and general nuisance.

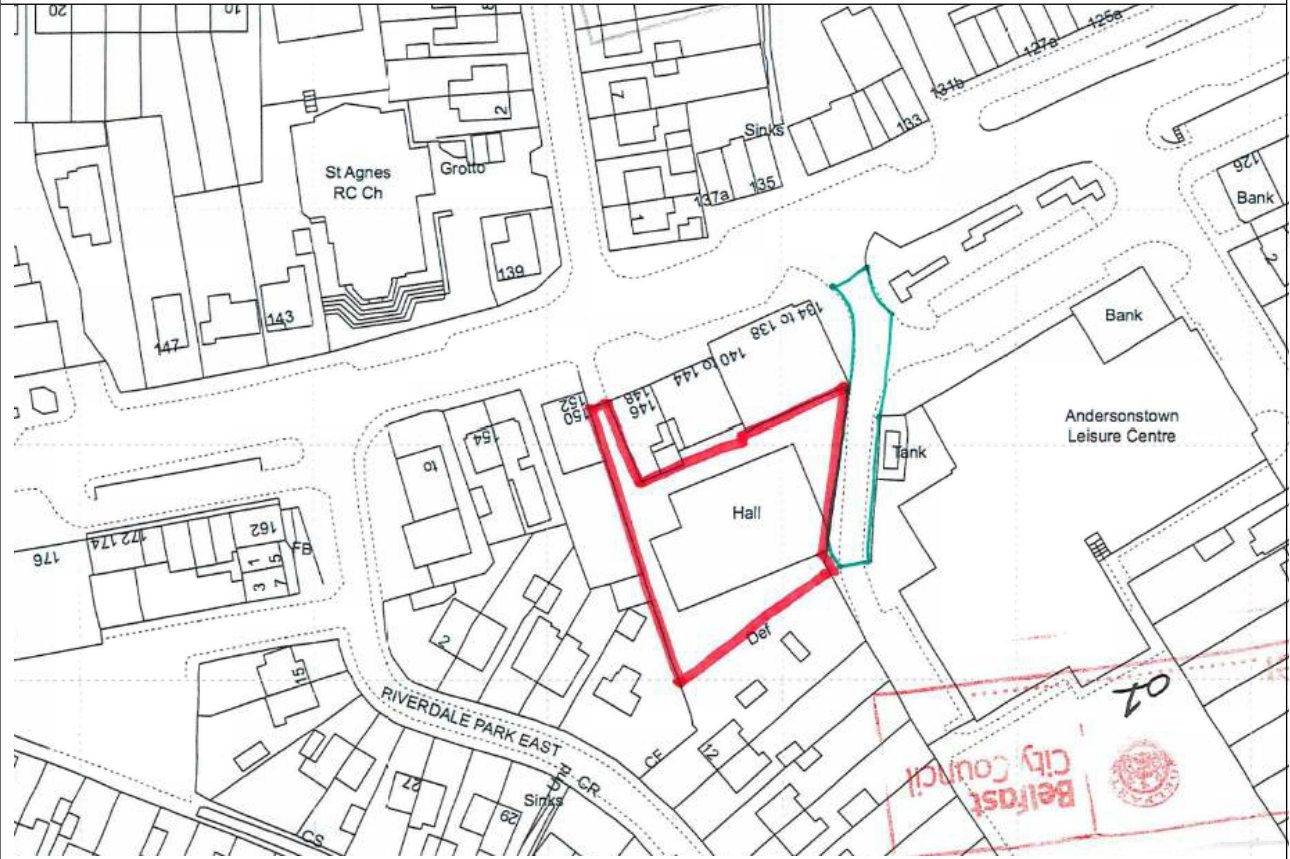
Recommendation:

Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in the case officer report below.

Committee is requested to delegate authority for the final wording of refusal reasons to the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	Add Info Requested
Non Statutory	DFI Roads - Hydebank	No Objection
Non Statutory	Env Health Belfast City Council	Add Info Requested

Representations:

Letters of Support	None Received
Letters of Objection	40
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 The proposal is for full planning permission for a change of use of St Agnes Parish Hall (Sui Generis) to a Social Club (Sui Generis). The proposal includes changes to the internal layout alterations. No alterations to the external elevations are proposed.
2.0	Description of Site The 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. 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 of which three directly abut the site. To the east of the site is the Andersonstown Leisure Centre site which is currently being redeveloped. Within the curtilage of the site are three areas which may be used for parking, one in the north eastern corner, one to the west and one to the south west. An existing pedestrian access gate is located along the eastern boundary. The site is bounded by a metal security fence at approximately 2m high. The area to the west is characterised by existing residential dwellings with commercial use to the north and leisure to the east.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History 3.1 Z/2008/1422/F - Change of use from parish community centre to temporary dental surgery - Refused 3.2 Z/1986/0780 – Extension to St Agnes Parish Centre - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Development Control Advice Notice (DCAN) 7: Public Houses
5.0	Statutory Consultees Responses
5.1	DRD Transport NI – No objection subject to conditions
6.0	Non Statutory Consultees Responses

6.1	<p>BCC Environmental Health requested clarification in respect of the Noise Impact Assessment in the following areas;</p> <ul style="list-style-type: none"> • Proposed hours of operation; • Baseline noise survey; • Patron noise from smoking area; • Deliveries; • Noise breakout; • Plant and equipment; • Cooking odours – Kitchen extraction. <p>Further information was submitted by the applicant in response to Environmental Health's initial response. Environmental Health responded recommending conditions and requested further information. This is discussed at 9.16-9.25 in this report.</p>
7.0	Representations
7.1	<p>The application has been neighbour notified and advertised in the local press. A total of 40 representations from have been received. The objections are outlined below;</p> <ul style="list-style-type: none"> • Concern that the Noise Impact Assessment provided states that 'the existing night-time noise levels of 48.2 dB are in excess of the WHO Guidelines for Community noise during night time of 45 db.; • Potential additional noise from Andersonstown Leisure Centre currently being re-developed and potential if Casement Park Stadium is granted permission from night time matches and concerts; • No calculation provided to show how sound level for the proposed outdoor smoking areas has been calculated; • No evidence to prove the Noise Impact Assessments claim of no audible breakout noise from lounge bar or members bar and daytime recommended levels currently exceeded; • Query as to why Casement Park Social Club will not be located within the grounds of Casement Park and why previous temporary permissions have not been implemented raising concerns that Casement Park Social Club would have two locations; • Impact on residential amenity by means of noise, disturbance and light pollution – day time and night time; • Overlooking and loss of privacy; • Potential anti-social behaviour; • Lack of provision of parking; • Impact on sleep and health of nearby residents; • Proliferation of bars in the area; • Impact on value of property; • Existing noise disturbance from Bidy Duffy's bar on Andersonstown Road; • Impact of previous events held at the site when utilised as a parish hall; • Potential compromise of access and smoking area located at the Andersonstown Leisure Centre end of the site; • Size and scale of existing building and potential to accommodate hundreds of patrons • Objector not neighbour notified; • Impact on sleep of families; • Access is single lane shared with other commercial units and is not adequate for use of pedestrians vehicles, gas cylinders and a smoking area; • The 84 exceptional extra late nights is intolerable – approximately 1.5 times per week; • Smoking shelter will not be utilised;

	<ul style="list-style-type: none"> • Parish hall accommodated community groups for classes and afternoon teas etc and was set up during troubles and violence and was used to get young people off the streets. • Entrance to building inappropriate location and high noise levels of people accessing via the laneway. Doors were to be kept closed however frequent comings and goings of people the doors would be left open resulting in high noise levels • Belfast City Council measured the noise and found levels too high resulting in parish committee stopping late night events; • Clarification if taxis will be permitted down laneway; • Locate plant and access door to the eastern leisure centre end; • Restrictions on site do not provide for emergency evacuation or facilitate emergency services; • Residents of Riverdale Park East subject to noise pollution and reduced air quality due to building works at Andersonstown Leisure Centre; • Concern regarding the location of smoking shelter and gas cylinders at rear of existing commercial unit which shares the access and yard; • Concern that whilst bar may end at 1am, patrons leave after this time resulting in noise and disturbance from intoxicated patrons and taxis arriving; • Potential for more vermin to be attracted and potentially entering neighbouring homes; • WHO guidelines have been updated recommending adverse effects occur with night time noise over 40dB; • Noise Impact Assessment has been carried out using guidelines from 1999 making figures out of date; • Building has capacity to hold 675 people will generate an amount of noise that will exceed the recommended levels; • The estimation of 3 people using the smoking shelter is an underestimate. Smoking prevalence of 22% in NI would mean 1 in 5 people or around 130 smokers would be present in the club at any one time, whilst not all would be smoking at the same time, to suggest 3 people is a massive underestimate; • Plans show doors to members bar is in close proximity to the main entrance door, less than 3 meters apart and are proposed to be equipped with a self-closing device. Real probability that both sets of doors would be open at the same time resulting in noise to spill directly outside; • Applicant makes no reference to Environmental Health's comment re providing a barrier by way of a fence to prevent smokers from straying down towards the borders of the back gardens of adjacent residential properties; • Noise consultants claim that noise from the smoking shelter and plant and equipment do not exceed guideline noise levels, however when viewed cumulatively as a whole the total noise will exceed guideline noise levels; • Requirement for Club to re-apply for an entertainment licence for these premises if planning permission is granted and the submission of a noise impact assessment.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include;

	<ul style="list-style-type: none"> • Principle of development and use; • Proposed design, layout, scale and massing; • Case of need; • Consideration of noise impact assessment; • Impact on residential amenity; • Impact on traffic and parking provision; • Consideration of representations; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However, given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could have been through public inquiry. The site was designated as white un-zoned land on an arterial route AR 01/08 Andersonstown Road.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal would if permitted, result in demonstrable harm to the residential amenity of neighbours by means of noise and disturbance of an incompatible use directly adjacent to residential dwellings.
9.9	<p><u>Principle of development and use</u></p> <p>The principle of the proposed change of use at this location is considered unacceptable. The proposed use as a social club is considered incompatible alongside existing residential dwellings. The applicant advises that the proposed use as a social club is proposed to accommodate 100 people at weekends.</p>
9.10	<p><u>Proposed design, layout, scale and massing</u></p> <p>In terms of the external elevations, no alterations are proposed and no additional floor space is proposed from that already existing. The proposed smoking shelter is to be located adjacent to the north western elevation of the building. In terms of the layout the site is to be accessed from the laneway which connects the site to the Andersonstown Road. The entrance to the building is via the north western corner of the building. On the north eastern site boundary an existing pedestrian access is in existence. The site plan shows an additional two entrances. All three of these accesses would provide access</p>

	<p>from the Andersonstown Leisure Centre site, of which the applicant has stated they have a right of way over.</p>
9.11	<p>In terms of the internal layout the ground floor will accommodate the members bar, lounge bar, darts room, snooker room, kitchen, store, entrance hall and offices. The first floor will have a suspended ceiling above the lounge, a section of the members bar and snooker rooms, the remainder of the first floor accommodates offices, stores and a kitchen.</p>
9.12	<p><u>Case of need</u> The applicant is named as Heron Bros., however the occupier is stated as being Casement Park Social Club on attached documentation and on correspondence from the agent. A letter submitted by the agent on behalf of Casement Park Social Club advises that the proposal is to temporarily accommodate its relocation whilst the existing Casement Park stadium is redeveloped and completed. This conflicts with supporting information which refers to the permanent relocation of the social club. The P1 application form at Q.9 which queries if the proposal is for a temporary permission has being ticked as being no. The current Casement Park Social Club is proposed to be redeveloped and planning application for this, planning ref. LA04/2017/0474/F is currently under consideration by the Department of Infrastructure, which no indication of timescale for a decision at this time. Whilst that proposal does not specify a social club in the description or on the plans, it is assumed that references to premium bars and community facility heritage centre will accommodate the Casement Park Social Club in the event of a new stadium redevelopment being granted.</p>
9.13	<p>Casement Park Social Club in their letter state that the preferred temporary relocation is St Agnes Parish Hall, which had a liquor and entertainment licence previously. Belfast City Council Building Control confirmed on 22nd May 2019 that the entertainment licence which the parish hall benefitted from was a church hall 14 day occasional event licence. This licence applied to the main hall and the minor hall between the hours of 8am and 1am. The maximum numbers permitted for a seated activity were 450 in the main hall and 225 in the minor hall. For a disco activity the maximum number of patrons permitted was 330 for the main hall and 170 for the minor hall. A cabaret activity permitted a maximum of 22 in the main hall and 115 in the minor hall. Three special conditions were attached to this licence which required the licensee to provide not later than 14 days' notice before any intended entertainment, in writing to the head of building control service; the main front gates to be hooked in the open position; and all doors on escape routes to be free from fastenings other than panic bolt mechanisms.</p>
9.14	<p>In respect of Casement Park Social Club's letter which refers to the parish hall benefitting from an entertainments licence is correct, however the licence from which it benefitted would not be of the same schedule as that required for a social club.</p>
9.15	<p>Building Control have also confirmed that their records show no evidence of notification from the courts in relation to the granting of a liquor licence for this venue. Environmental Health confirmed via email that the parish hall did not benefit from a liquor licence. The applicant has provided no evidence to suggest otherwise and therefore this claim is unsubstantiated.</p>
9.16	<p><u>Consideration of Noise Impact Assessment</u> Environmental Health considered the Noise Impact Assessment submitted by the applicant and raised a number of areas where clarification or further information is required. Given that, the principle of the proposal is considered unacceptable and an incompatible use alongside existing residential dwellings, this information was not formally requested in order to avoid putting the applicant to unnecessary expense. However the</p>

	applicant, on viewing Environmental Health's response, submitted this information and Environmental Health was re-consulted.
9.17	Environmental Health responded to the additional information and amended layout plan showing the proposed smoking shelter located on the north western elevation and the objections received with the following comments;
9.18	Baseline survey – consultant confirmed location of sound meter;
9.19	Smoking area – Environmental Health is satisfied that a dedicated enclosure located to the front of the building is appropriately located to maximise noise screening to residents on Riverdale Park East. Environmental Health have recommended that patrons should not be permitted to consume alcohol in any external area to prevent loitering. Environmental Health has recommended the attachment of two conditions in relation to the location of the smoking shelter and the consumption of alcohol;
9.20	Deliveries – Deliveries only to be during Monday to Friday between the hours of 07:00 – 23:00hrs;
9.21	Plant and Equipment – Applicant to provide a Noise Verification Report prior to the operation of the development, demonstrating that the rating level dB LAr from combined plant and equipment is 3 dB below the existing background noise level;
9.22	Cooking odour – Condition re a proprietary kitchen extraction and odour abatement system to be provided and cleaned and maintained in accordance with the manufacturer's instructions;
9.23	Noise Breakout – Noted design of building with no ground floor windows and no potential entertainment areas immediately next to the building envelope. Prior to the granting of any entertainment licence the applicant will be required to submit a noise impact assessment to specifically examine the type of entertainment permitted on the premises in respect of internal music noise levels, finish times and patron egress. Environmental Health requested the applicant confirm specifically the sound reduction to be provided to the main entrance doors and door into the members lounge to assess if any upgrades are required. Environmental Health recommended the attachment of a condition to ensure no development of the club for entertainment on the first floor;
9.24	Opening Hours and Management of Patron Behaviour – Environmental Health considered the noise impact assessment which refers to the current opening hours of the social club currently based in Casement Park Stadium. The noise report states that the opening hours of the club currently are Monday to Saturday 11am-11pm and on Sundays 12.30pm-10pm. The club also benefits from 84 exceptional occasion licence extensions per year to allow it to remain open until 1am. This means the Club can operate until 1am at least one night a week and on all bank holidays. Whilst this relates to the current social club within Casement Park Stadium, it is the intention the same opening hours and extensions would be used at the proposal site. The granting of entertainment licences are outside the remit of planning legislation as are liquor licences. However Environmental Health recommended the attachment of a condition that the hours of operation be restricted to 11pm on Monday – Saturday and 10pm on Sunday with the exception on those occasions where the premises has been granted an extension to their liquor licence to open beyond these hours. Planning Service consider this condition to not meet the 6 tests of attaching a condition to a planning permission. It is considered that the proposed condition is not precise and would not be enforceable. Regardless if the applicant was granted an entertainment licence or liquor licence which allows them to operate in hours outside the attached planning condition hours of operation, the applicant

	is still required to operate within the hours as set out in the planning condition. To enforce the condition recommended by Environmental Health would be difficult due to it not being precise and enabling the alteration of opening hours, possibly on a weekly basis.
9.25	<p>Objections – Environmental Health noted objections primarily in relation to noise disturbance from music, patrons and deliveries. Environmental Health stated that the building will prevent noise breakout and considered that the attachment of conditions in regards to no entertainment at first floor level, timing of deliveries and plant and equipment will negate any impact on the existing amenity of residents. Environmental Health stated that the objections raised legitimate concerns given the change of use to a licensed premises whereas the previous use did not involve the serving of alcohol and therefore the type of patrons frequenting the premises are more likely to resort to noisier behaviour, particularly when accessing and leaving the premises at noise sensitive hours of the night. Environmental Health requested further information in the form of a Noise and Anti-Social Behaviour Management Plan, confirmation of bin storage areas and specific arrangements in terms of times of their use, and confirmation in relation to the specification and sound reduction properties of the entrance doors and doors from the Member’s lounge. On receipt of information Environmental Health advised they would be in a position to comment further. The Planning Authority, on the basis of fundamental concerns with the principle of the development did not formally request this additional information.</p>
9.26	On the basis of fundamental issues with the proposal this further information was not requested as to do so would be to put the applicant to unnecessary expense.
9.27	<p><u>Impact on residential amenity</u> The proposed separation distances as measured on spatial NI using OSNI data, are as follows; No.4 Riverdale Park East – 35.85m No.6 Riverdale Park East – 23.31m No.8 Riverdale Park East – 26.44m No.10 Riverdale Park East – 15.73m No.12 Riverdale Park East – 25.54m</p>
9.28	It is considered that the separation distances between the parish hall and the existing neighbouring properties are insufficient to adequately allow the use of the parish hall as a social club to be integrated without detrimental impact, with only 15.7m approximately between the western elevation of the parish hall and the rear elevation of no.10 Riverdale Park East and only 5m between it and their common boundary separating the two properties. Likewise the separation distance between the southern elevation and no.12 Riverdale Park East is 23m and 8m to the boundary separating both properties.
9.29	The site extends the full length of no.12’s garden and approximately 2/3s of the width of no.10 Riverdale Park East. It is considered that no’s. 10 and 12 Riverdale Park East that will be most detrimentally impacted upon if the proposed use was permitted.
9.30	In comparison to the existing Casement Park Social Club located within the grounds of Casement Park, the proposed separation distances are notably less than the current situation at Casement Park.
9.31	<p>The social club is currently located within the grand stand of the stadium and the following separation distances between the grand stand and those dwellings which back on to it along Owenvarragh Park have been measured on Spatial NI using OSNI data, are as follows; No.10 Owenvarragh Park – 45.72m</p>

	<p>No.12 Owenvarragh Park – 45.76m No.14 Owenvarragh Park – 44.7m No.16 Owenvarragh Park – 43.89m No.18 Owenvarragh Park – 44.24m No.20 Owenvarragh Park – 43.48m No.22 Owenvarragh Park – 37.43m No.24 Owenvarragh Park – 38.57m No.26 Owenvarragh Park – 41.15m</p>
9.32	<p>The greatest separation distance proposed is between St Agnes Parish Hall and no.4 Riverdale Park is 35.85m. This is less than the shortest separation distance currently in existence between no.22 Owenvarragh Park and the grandstand in which the current social club is located. There is on average a difference of 20m in the propose separation distances from those currently in existence at Owenvarragh Park and the grandstand.</p>
9.33	<p>In terms of residential dwellings the recommended minimum separation distance is 20m between the rear elevations of residential dwellings. The proposal would introduce an incompatible use at a distance less than is recommended for a residential use. Therefore it is considered that due to the proximity of the proposed social club to existing dwellings on Riverdale Park East and the introduction of a new and intensified use from its previous use as a church hall, the proposal would result in noise, nuisance and general disturbance to the neighbouring residents in Riverdale Park East, to the detriment of their residential amenity, with particular regard to no's. 6-12 Riverdale Park East.</p>
9.34	<p>The proposal is for a change of use and no external alterations or additions to the building are proposed, ensuring no impact on neighbours in respect of overshadowing. In terms of overlooking from the south western elevation no windows exist or are proposed at ground floor level. Existing windows on the first floor are to be retained and will serve the proposed kitchen and office. On the south eastern elevation no windows exist or are proposed at ground floor level. The existing first floor level windows are to be retained and will serve a stairwell. It is considered that no unacceptable overlooking shall result from the proposal to those adjacent dwellings at no's. 2-10 Riverdale Park East.</p>
9.35	<p><u>Impact on traffic and parking provision</u> DFI Roads were consulted and have no objection to the proposal and recommended the attachment of a condition. The site is located on an Arterial Route and the Belfast Rapid Transit route and is considered to be an accessible location. Considering the proposed use and alcohol being consumed it is typical that such establishments are travelled to via private car with taxis or public transport being the preferred mode of transport to such venues.</p>
9.36	<p><u>Consideration of Representations.</u> The objections received are considered below;</p> <ul style="list-style-type: none"> • Concern that the Noise Impact Assessment provided states that ‘the existing night-time noise levels of 48.2 dB are in excess of the WHO Guidelines for Community noise during night time of 45 dB – Environmental Health considered the proposal in line with British Standard BS 4142:2014; • Potential additional noise from Andersonstown Leisure Centre currently being re-developed and potential if Casement Park Stadium is granted permission from night time matches and concerts – The proposal can only be considered on its own merits and not on speculation; • No calculation provided to show how sound level for the proposed outdoor smoking areas has been calculated – Noted – See Environmental Health’s response;

- **No evidence to prove the Noise Impact Assessments claim of no audible breakout noise from lounge bar or members bar and daytime recommended levels currently exceeded** – Noted – See Environmental Health’s response;
- **Query as to why Casement Park Social Club will not be located within the grounds of Casement Park and why previous temporary permissions have not been implemented raising concerns that Casement Park Social Club would have two locations** – Casement Park Social Club have stated in their letter that this is for a temporary period of time while Casement Park Stadium is re-developed. The Casement Park redevelopment remains under consideration;
- **Impact on residential amenity by means of noise, disturbance and light pollution – day time and night time** – Environmental Health raised concerns in regards to potential noise and disturbance during both day and night time from deliveries, location of keg store, smoking area, raised voices of patrons, noise breakout, plant and equipment and the baseline survey;
- **Overlooking and loss of privacy** – In terms of overlooking and loss of privacy 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 will result;
- **Potential anti-social behaviour** – Anti-social behaviour does not fall within the remit of Planning Legislation and would be dealt with the Police Service of Northern Ireland (PSNI) under their relevant legislation;
- **Provision of parking** – DFI Roads were consulted and have no objection to the proposal;
- **Impact on sleep and health of nearby residents** – Environmental Health raised concerns in regards to potential noise and disturbance during both day and night time from deliveries, location of keg store, smoking area, raised voices of patrons, noise breakout, plant and equipment and the baseline survey;
- **Proliferation of bars in the area** – Development Control Advice Note 7 – Public Houses provides guidance, however there is no specific policy in place however compatibility of use has been assessed;
- **Impact on value of property** – This is not a material planning consideration;
- **Existing noise disturbance from Biddy Duffy’s bar on Andersonstown Road** – Issues with noise at an existing bar should be raised through the Council’s Night Time Noise team;
- **Impact of previous events held at the site when utilised as a parish hall** – Noted;
- **Potential compromise of access and smoking area located at the Andersonstown Leisure Centre end of the site** – Three pedestrian accesses are shown along the north eastern site boundary and the applicant has state they have a right of way. The principle access is shown as from the existing laneway linking the site to the Andersonstown Road;
- **Size and scale of existing building and potential to accommodate hundreds of patrons** – See 9.13 in this report;
- **Objector not neighbour notified** – Neighbours were notified in accordance with Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 in line with the definition of ‘neighbouring land’ in accordance with paragraph 2 of the same Order;
- **Access is single lane shared with other commercial units and is not adequate for use of pedestrians vehicles, gas cylinders and a smoking area** – DFI Roads have been consulted and have no objection to the proposal;
- **The 84 exceptional extra late nights is intolerable – approximately 1.5 times per week** - Noted
- **Smoking shelter will not be utilised** – This is speculative;
- **Parish hall accommodated community groups for classes and afternoon teas etc and was set up when troubles and violence and was used to get young people**

off the streets. Entrance to building inappropriate location and high noise levels of people accessing via the laneway. Doors were to be kept closed however frequent comings and goings of people the doors would be left open resulting in high noise levels – Environmental Health and Building Control have checked their records and have confirmed no record of complaints re noise being received. Environmental Health advised they are only obliged to retain records of complaints for 7 years and therefore can only confirm reliably for the last 7 years;

- **Belfast City Council measured the noise and found levels to high resulting in parish committee stopping late night events** – Environmental Health and Building Control have checked their records and have confirmed no record of complaints re noise being received. Environmental Health advised they are only obliged to retain records of complaints for 7 years and therefore can only confirm reliably for the last 7 years;
- **Clarification if taxis will be permitted down laneway** – It is expected that as this is the principle entrance to the site that taxis would be permitted to access via the laneway;
- **Locate plant and access door to the eastern leisure centre end** – Noted;
- **Restrictions on site do not provide for emergency evacuation or facilitate emergency services** – Emergency evacuation is a building control matter;
- **Residents of Riverdale Park East subject to noise pollution and reduced air quality due to building works at Andersonstown Leisure Centre** – It is acknowledged any construction works will have temporary impacts which are managed by the construction team in line with published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation;
- **Concern regarding the location of smoking shelter and gas cylinders at rear of existing commercial unit which shares the access and yard** - Noted – See Environmental Health's response;
- **Concern that whilst bar may end at 1am, patrons leave after this time resulting in noise and disturbance from intoxicated patrons and taxis arriving** – Noted. See 9.25 in this report;
- **Potential for more vermin to be attracted and potentially entering neighbouring homes** – This is speculative. In the event of vermin at the site Environmental Health's Pest Control should be notified;
- **WHO guidelines have been updated recommending adverse effects occur with night time noise over 40dB** – Noted – See Environmental Health's response;
- **Noise Impact Assessment has been carried out using guidelines from 1999 making figures out of date** – Noted – See Environmental Health's response;
- **Building has capacity to hold 675 people will generate an amount of noise that will exceed the recommended levels** – Noted – See Environmental Health's response;
- **The estimation of 3 people using the smoking shelter is an underestimate. Smoking prevalence of 22% in NI would mean 1 in 5 people or around 130 smokers would be present in the club at any one time, whilst not all would be smoking at the same time, to suggest 3 people is a massive underestimate** – Noted – See Environmental Health's response;
- **Plans show doors to members bar is in close proximity to the main entrance door, less than 3 meters apart and are proposed to be equipped with a self-closing device. Real probability that both sets of doors would be open at the same time resulting in noise to spill directly outside** – Noted – See Environmental Health's response;
- **Applicant makes no reference to Environmental Health's comment re providing a barrier by way of a fence to prevent smokers from straying down towards the**

<p>9.37</p> <p>9.38</p>	<p>borders of the back gardens of adjacent residential properties - Noted – See Environmental Health’s response;</p> <ul style="list-style-type: none"> • Noise consultants claim that noise from the smoking shelter and plant and equipment do not exceed guideline noise levels, however when viewed cumulatively as a whole the total noise will exceed guideline noise levels – Noted – See Environmental Health’s response; • Requirement for Club to re-apply for an entertainment licence for these premises if planning permission is granted and the submission of a noise impact assessment – The granting of entertainment licences is outside the remit of planning legislation. <p><u>Other environmental factors.</u></p> <p>NI Water single units east responded with no objection, providing standing advice. Environmental Health have no objection to the proposal.</p> <p><u>Recommendation</u></p> <p>The proposal is considered to be unacceptable and refusal of planning permission is recommended.</p>
<p>9.38</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and it is recommended that planning permission is refused and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<p>10.0</p>	<p>Summary of Recommendation: Refusal</p>
<p>11.0</p>	<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement (SPPS) for Northern Ireland, in that if permitted would result in an incompatible land use adjacent to residential dwellings resulting in detrimental impact on the residential amenity of nearby residents.
<p>Notification to Department (if relevant) N/A</p>	
<p>Representations from Elected members: Alderman Carson & Cllr Collins - sought update on status of application.</p>	

ANNEX

Date Valid	17th August 2018
Date First Advertised	31st August 2018
Date Last Advertised	31st August 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Riverdale Park East,Andersonstown,Belfast,Antrim,BT11 9DA, 12 Riverdale Park East,Andersonstown,Belfast,Antrim,BT11 9DA, 139 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BW, 16 Riverdale Park East Andersonstown Belfast 17 Riverdale Park East Andersonstown Belfast 2 Riverdale Park East Andersonstown Belfast 27 Riverdale Park East Andersonstown Belfast 29 Riverdale Park East Andersonstown Belfast 35, Riverdale Park East, Belfast, Andersonstown, Antrim, Northern Ireland, BT11 9DA 4 Riverdale Park East Andersonstown Belfast 6, Riverdale Park East, Belfast, Andersonstown, Antrim, Northern Ireland, BT11 9DA 8 Riverdale Park East,Andersonstown,Belfast,Antrim,BT11 9DA, Andersonstown Leisure Centre,128 Andersonstown Direct Smiths Furniture,134 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 Fegans Chemist,136a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, Lynch Carpets,134 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, 140-144 ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, Shearers,138a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY, St. Agnes Parish Centre,146 Andersonstown Road,Andersonstown,Belfast St. Clements Holy Shop,150 Andersonstown Road,Andersonstown,Belfast, The Mortgage Shop,150a ,Andersonstown Road,Andersonstown,Belfast U P S,138 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9BY,	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	

Drawing No. 01
Type: Site Location Map

Drawing No. 02
Type: Site Block Plan

Drawing No. 03
Type: Existing Floor Plans and Site Plan

Drawing No. 04
Type: Existing Floor Plans

Drawing No. 05
Type: Existing Elevations

Drawing No. 06
Type: Existing Elevations

Drawing No. 07
Type: Proposed Floor Plans and Site Plan

Drawing No. 08A
Type: Proposed Floor Plans