

**Development Management Officer Report
Committee Application
Addendum Report**

Summary	
Committee Meeting Date: 18 August 2015	Item Number:
Application ID: Z/2014/1518/F	
Proposal: Change of use for ground floor retail unit to become hot food takeaway	Location: Ground floor, 362 Woodstock Road Ballymacarret, Belfast
Referral Route: Non Delegated Item – Hot Food Bar	
Recommendation:	Refusal
Applicant Name and Address: Hardev Sirpal 1st Floor 362 Woodstock Road Ballymacarret Belfast BT6 9DQ	Agent Name and Address: N/A
<p>Executive Summary:</p> <p>The application seeks planning permission for the change of use from a ground floor retail unit to a hot food takeaway.</p> <p>The application was presented to the Town Planning Committee on 23 March 2015 and 16 June 2015 with an opinion to refuse. It was agreed by the Committee at the 16 June meeting that the application be deferred until the August 2015 Committee meeting to allow the applicant to address concerns raised by Environmental Health and Transport NI (see below).</p> <p>Following the 16 June Committee meeting Planning Service wrote to the applicant on 23 June requesting advising again of the outstanding information. However, to date no further information has been received in respect of the application.</p> <p>Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/1518/F (see Annex 1 attached). Refusal was recommended to the Council as the proposal was deemed to be contrary to policy set out in Development Control Advice Note (DCAN) 4 Restaurants, Cafes, and Fast Food Outlets and Policy AMP 7 of Planning Policy Statement 3 (PPS3), Access, Movement and Parking.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a hot food takeaway at this location • Impact on residential amenity <p>No objections were received.</p> <p>Environmental Health raised concerns regarding the impact of the proposal as it is considered that the change of use to a hot food bar would harm the living conditions of the neighbouring residential properties by the creation of noise, nuisance, odour and other general disturbances resulting in a loss of residential amenity.</p>	

Transport NI considers the parking survey submitted to be inadequate and therefore unacceptable.

Summary

No further information has been submitted to address issues. No change of opinion – The application is recommended for refusal.

ANNEX 1

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th June 2015	Item Number: 14
Application ID: Z/2014/1518/F	Target Date:
Proposal: Change of use for ground floor retail unit to become hot food takeaway	Location: Ground floor, 362 Woodstock Road Ballymacarret, Belfast
Referral Route: Non Delegated Item – Hot Food Bar	
Recommendation	Refusal
Applicant Name and Address: Hardev Sirpal 1st Floor 362 Woodstock Road Ballymacarret Belfast BT6 9DQ	Agent Name and Address: N/A
Executive Summary: <p>The application seeks planning permission for the change of use from a ground floor retail unit to a hot food takeaway.</p> <p>The application was presented to Town Planning Committee on 23rd March 2015 with an opinion to refuse. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/1518/F. Refusal was recommended to the Council as the proposal was deemed to be contrary to policy set out in Development Control Advice Note (DCAN) 4 Restaurants, Cafes, and Fast Food Outlets and Policy AMP 7 of Planning Policy Statement 3 (PPS3), Access, Movement and Parking.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none">• The principle of a hot food takeaway at this location• Impact on residential amenity <p>No objections were received.</p> <p>Environmental Health raised concerns regarding the impact of the proposal as it is considered that the change of use to a hot food bar would harm the living conditions of the neighbouring residential properties by the creation of noise, nuisance, odour and other general disturbances resulting in a loss of residential amenity.</p> <p>Transport NI consider the parking survey submitted to be inadequate and therefore unacceptable.</p> <p>No change of opinion – The application is recommended for refusal.</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Hydebank	Proposal Unacceptable
Statutory	Env Health Belfast City Council	Refusal recommended

Representations:

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

Summary of Issues

No representations received

Characteristics of the Site and Area

362 Woodstock Road is a 2.5 storey terrace property comprising a vacant ground floor retail unit with residential accommodation on the first and second floors. The property is adjacent to Woodstock Library. The ground floor unit has access to the residential accommodation above and a glazed shop front. The rear curtilage of the site is formed by a wall approx 3m in height which forms the boundary of a right of way with the adjacent terraces and those to the rear.

Planning Assessment of Policy and Other Material Considerations

Addendum Report

The application was presented to Town Planning Committee on 23rd March 2015 with an opinion to refuse. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/1518/F.

The basis for refusal is that the proposal is deemed to be contrary to policy set out in Development Control Advice Note (DCAN) 4 Restaurants, Cafes, and Fast Food Outlets and Policy AMP 7 of Planning Policy Statement 3 (PPS3), Access, Movement and Parking.

Transport NI has stated that the proposal is unacceptable. The parking statement (provided photographic evidence only) does not clearly identify the locations of available on street parking space, not all streets have been clearly identified, not all photographs have recorded times when they were taken, photographs too dark to identify parking spaces, no overall plan showing the location of parking spaces .

Environmental Health – Concerns raised regarding the close proximity to residential accommodation there is the potential for significant loss of amenity to the occupants in terms of noise (from equipment, kitchen activities, patrons, coming and going, antisocial behaviour), and odours. Refusal recommended in order to safeguard amenity of nearby residents particularly with regard to noise, cooking odours, litter and associated anti social behaviour.

Neighbour Notification Checked Yes

Summary of Recommendation:

Having considered the scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development remains unacceptable and the opinion to refuse remains.

Reasons for Refusal:

1. The proposal is contrary to PPS 1 'General Principles', Development Control Advice Note 4 'Restaurants, Cafes and Fast Food Outlets' in that the use would, if permitted, harm the living conditions of the neighbouring residential properties through noise, nuisance, odour and general disturbance resulting in a loss of residential amenity.
2. The proposal is contrary to AMP 7 of Planning Policy Statement 3 (Car Parking and Servicing Arrangements) in that the applicant has failed to demonstrate an acceptable arrangement for safely accommodating the parking of vehicles that would be attracted to the site.

ANNEX	
Date Valid	11 th November 2014
Date First Advertised	28 th November 2014
Date Last Advertised	N/A
Details of Neighbour Notification : 12 neighbours notified in accordance with legislative requirements	
Date of Last Neighbour Notification	06.01.2015
Date of EIA Determination	Does not meet threshold for EIA
ES Requested	No
Planning History Z/2014/0396/CA - 362 Woodstock Road, Ballymacarret, Belfast, Down, BT6 9DQ, Unauthorised change of use from retail to hot food takeaway	
Drawing Numbers and Title 01- Site Location Plan 02a- Existing and Proposed Floor Plans 03 – Mechanical Ventilation Plan	
Representation From Elected Representatives :- None received	