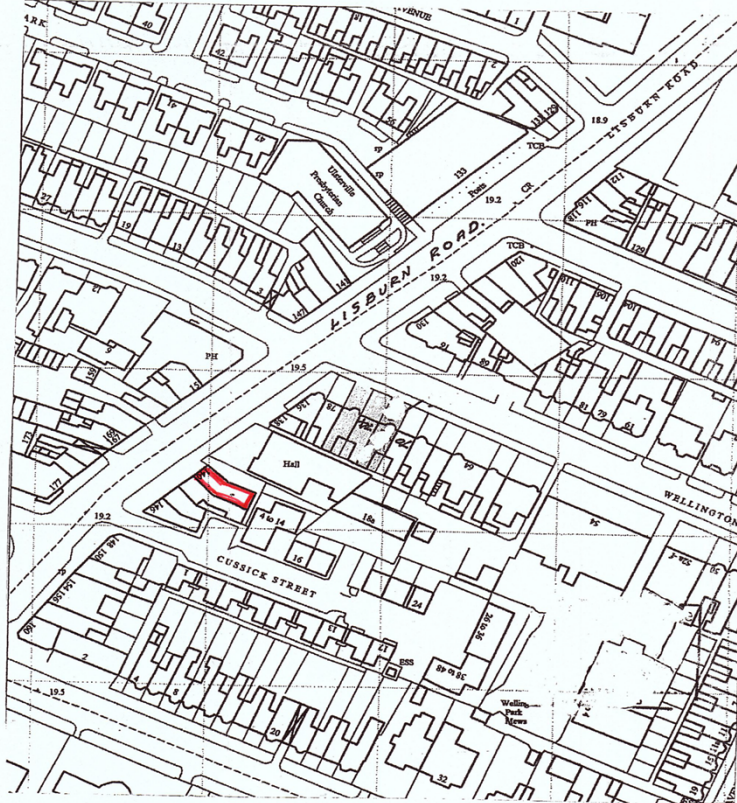


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 March 2016	
Application ID: LA04/2015/1197/F	
Proposal: Change of use to hot food takeaway with external flue (amended plans)	Location: 140 Lisburn Road Belfast BT9
Referral Route: Hot food takeaway	
Recommendation:	Approval
Applicant Name and Address: Mr S R Dey 140 Lisburn Road Belfast BT9	Agent Name and Address: Kevin Fennell Design 2a Dorchester Park Belfast BT9 6RH
<p>Executive Summary:</p> <p>This application seeks full planning permission for a change of use from retail to a hot food bar (Sui Generis). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a hot food bar at this location; • Impact on residential amenity and; • Impact on the Character of the Malone Conservation Area / Lisburn Road ATC. <p>No representations have been received.</p> <p>Consultees Transport NI, Environmental Health, NIWater and NIEA have no objections.</p> <p>It is recommended that this application be approved with conditions.</p>	

Case Officer Report

Site Location Plan and Proposed Plans



PROPOSED PLANS
PLANS TO BE READ WITH CONSTRUCTION NOTES KP/234/15

Lisburn Road

Footpath

Public Area

counter

service

entry car park

KITCHEN

KITCHEN

Dry Goods

entry

GROUND FLOOR PLAN

FIRST FLOOR PLAN

SECOND FLOOR PLAN

FRONT ELEVATION TO LISBURN ROAD

Belfast City Council

AMENDED DRAWING

Drawing Number: 03

BCC
CHIEF EXECUTIVE'S
DEPARTMENT
RECEIVED
21 JAN 2016
BELFAST PLANNING
SERVICE

KEVIN FENNELL DESIGN
Architects - Residential Design and Planning specialists

Proposed Alterations to Ex Unit A4
440 Lisburn Road Belfast 6

For Mr St-Braden PL Day

DATE: 15/11/15	DRAWN BY: JF
DATE: 15/11/15	CHECKED BY: JF
DATE: 15/11/15	APPROVED BY: JF

Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Water - Strategic Applications	No objections
Non Statutory	Env Health Belfast City Council	No objections
Statutory	NI Transport - Hydebank	No objections
Statutory	NIEA	No objections
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	

Characteristics of the Site and Area

The application site is a vacant shop unit located at the ground floor of a two storey end-of-terrace building. This is finished in smooth render. There is a small hard surface forecourt open to the footpath and shared with the adjoining neighbour at No.142 Lisburn Road. The rear of the site is accessed via a separate shared alley to the north side of the building. The upper floors of the site are currently in use as storage ancillary to the retail use of the premises.

The immediate area is characterised by an eclectic mix of buildings, many in commercial use but also many in residential use too. The terrace row that contains the application site also contains a hot food takeaway, a hair salon, and a travel agent's.

1.0	<p>Description of Proposed Development</p> <p>The proposal is for change of use from retail to hot food takeaway. No external changes are proposed other than the installation of a ventilation flue to the rear.</p>
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Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History</p> <p>Ref. ID: Z/2013/1482/F - St Thomas' Hall 138a Lisburn Road, Belfast - Demolition of existing building and erection of 17 no apartments, associated amenity space and site works. Approval (adjacent to application site).</p> <p>Z/2013/1484/DCA - Demolition of St Thomas' Hall. Consent.</p> <p>Ref. ID: Z/1985/1407 - 140 LISBURN ROAD - CHANGE OF USE TO SHOPS WITH OFFICE OVER AND CAR PARK TO REAR. PERMISSION GRANTED.</p>
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4.0	<p>Policy Framework</p> <p>Regional Development Strategy 2035</p>
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4.1	<p>Area / Local Plan Belfast Metropolitan Area Plan 2015 is the area plan for Belfast (There is no local plan yet available for this area). Malone Conservation Area – Sub Area B – Eglantine / Wellesley/Wellington Lisburn Road ATC – BT 039 Arterial Route – AR 03/11 - Shopping / Commercial Area.</p>
4.2	<p>Regional Policy and associated guidance Strategic Planning Policy Statement for NI (SPPS) Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6) Addendum to PPS 6: Areas of Townscape Character. Development Control Advice Note 4: Restaurants, Cafes and Hot Food Outlets. A Design Guide for the Malone Conservation Area.</p>
4.3	<p>Other Constraints Site abuts the south-east boundary of the Lisburn Road ATC. There is a scheduled monument recorded within proximity of the site.</p>
5.0	<p>Assessment</p>
5.1	<p>The proposal is considered to be in compliance with the development plan in that it is a proposal for a commercial use within a Shopping / Commercial zone.</p>
5.2	<p>5.2.1 The key issues are the effect of the proposal upon the amenity of neighbouring residents and the impact on the Malone Conservation Area and the adjoining Lisburn Road ATC.</p> <p>5.2.2 The SPPS supersedes Planning Policy Statements 1: General Principles, 5: Retailing and Town Centres and 9: The Enforcement of Planning Control. Transitional arrangements are in place that all remaining Planning Policy Statements apply until a Plan Strategy for the whole Council area is adopted.</p> <p>5.2.3 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.</p> <p>5.2.4 Given the location of the site on the periphery of the Malone CA and its proximity to the Lisburn Road ATC, Policy BH 12 of PPS 6 is relevant. Policy ATC 2 of the Addendum to PPS 6 is not relevant as it only refers to new development in an ATC and does not concern itself with views into the ATC.</p> <p>5.2.5 Policy BH 12 relates to new development in a CA. In respect of the proposed use, the crux of this Policy is to ensure that the design of any associated operational development respects the context of the CA. The only external change is the insertion of an extractor fan flue to the rear of the site. This will be hidden from public view. This will not detract from the character of either the CA or the ATC. The proposal therefore complies with Policy BH 12.</p> <p>5.2.6 In terms of Development Control Advice Note 4, a number of factors need to be considered in terms of noise disturbance, smells and fumes, refuse and litter, traffic considerations and car parking and provision for people with disabilities.</p> <p>5.2.7 Noise Disturbance DCAN 4 refers to various sources of noise disturbance in terms of vehicles, people and</p>

	<p>associated equipment with catering facilities. Environmental Health has considered the proposal and has no objection to the proposal.</p> <p>5.2.8 Smell BCC's Environmental Health Department has recommended the attachment of conditions for the provision of an odour abatement system and are content that the potential issue of smell can be overcome by use of an odour abatement system. The proposal includes an odour abatement system which will be subject of a condition if approval is given.</p> <p>5.2.9 Traffic considerations and car parking Transport NI was consulted and has no objection to the proposal.</p> <p>5.2.10 There is a live planning permission for 17 residential apartments adjacent to the site (ref. Z/2013/1482/F). This has not yet been constructed. It is anticipated that works will begin in the near future as the former building has been demolished and consent for demolition is conditional on the successful implementation of the redevelopment. The proposal will have no impact on the future amenity of residents in respect of smell and odours as the flue is not positioned close to any approved openings or windows in the approved apartments. Noise, nuisance and disturbance are not a concern given that the apartment block will be a separate building and set back from the building line.</p> <p>5.2.11 NIEA was consulted in respect of the presence of archaeological remains in the area. They have no concerns.</p> <p>5.2.12 NIWater is content that the current water supply is adequate to serve the proposal.</p> <p>5.2.13 The adjoining unit at no. 142 Lisburn Road is currently in use as a hot food bar. However, there is no material reason why the proposal should be refused due to the proximity of a similar use. Two hot food bars is not proliferation.</p> <p>5.2.14 The proposal will bring into use a currently vacant unit along a commercial frontage. The use as a hot food bar is deemed to be acceptable at this location and will not result in proliferation or have a detrimental impact on the amenity of the area or the residential amenity of nearby dwelling houses.</p>
5.3	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>
6.0	<p>Summary of Recommendation: Approval</p>
7.0	<p>Conditions.</p> <ol style="list-style-type: none"> 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. <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> 2. A proprietary odour abatement system shall be installed to suppress and disperse odours created from cooking operations on the premises. The outlet from any extract ventilation shall terminate as detailed in stamped approved Drawing No.03, bearing the Council's date stamp 21 January 2016. <p>Reason: Protection of human health and amenity due to noise and odours.</p>

3. The extraction and ventilation system referred in Condition number 2 of this decision must be cleaned and maintained in accordance with manufacturer's instructions.

Reason: To ensure that the odour abatement system is maintained in a satisfactory working order.

Informatives:

1. The applicant is advised to ensure that all plant and equipment used in connection with the cafe unit is so situated, operated and maintained as to prevent the transmission of noise to nearby residential accommodation.
2. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.
3. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

ANNEX	
Date Valid	7th October 2015
Date First Advertised	6th November 2015
Date Last Advertised	12th February 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 1,177A Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ, The Owner/Occupier, 10 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 10,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 11,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 12 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 12,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 13,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 138-140 St. Thomas's Parish Church Hall,Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AJ, The Owner/Occupier, 138-140,Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AJ, The Owner/Occupier, 14 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 14,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 142 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AJ, The Owner/Occupier, 15,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 157 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ, The Owner/Occupier, 16,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 165 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ, The Owner/Occupier, 17,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 171-173,Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ, The Owner/Occupier,</p>	

<p>171-173a,Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ, The Owner/Occupier, 18,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 2,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 20,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 21,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 3,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 4 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 5,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 6 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 6,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, 8 Cussick Street,Malone Lower,Belfast,Antrim,BT9 6DU, The Owner/Occupier, 8,163 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 6AL, The Owner/Occupier, Flat 1,165 Lisburn Road,Malone Lower,Malone Lower,Belfast,Antrim,BT9 7AJ,</p>	
Date of Last Neighbour Notification	2nd February 2016
Date of EIA Determination	
ES Requested	Yes /No
Drawing Numbers and Title	
<p>Drawing No. 01A Type: Site Location Plan</p> <p>Drawing No. 02 Type: Existing Plans / Elevations</p> <p>Drawing No. 03 Type: Existing Plans / Elevations</p>	
Notification to Department (if relevant)	
<p>Date of Notification to Department: Response of Department:</p>	

