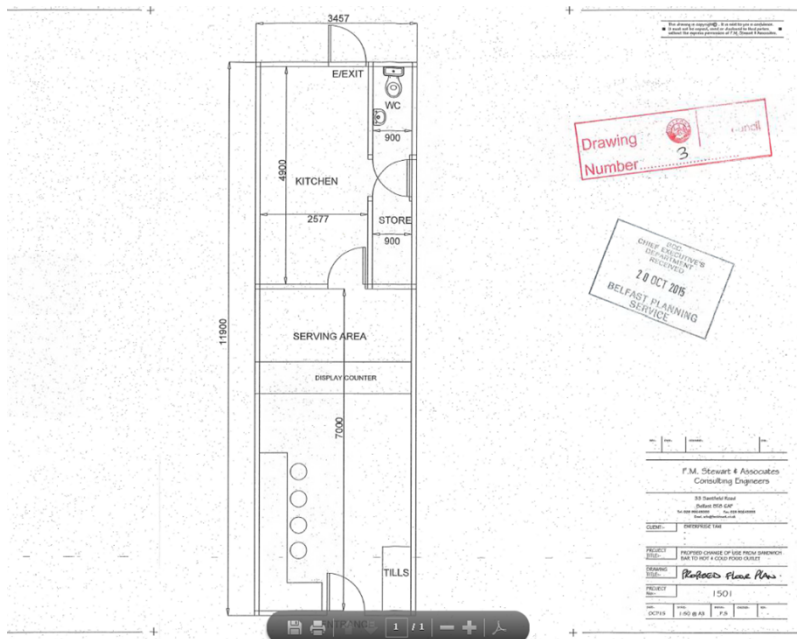


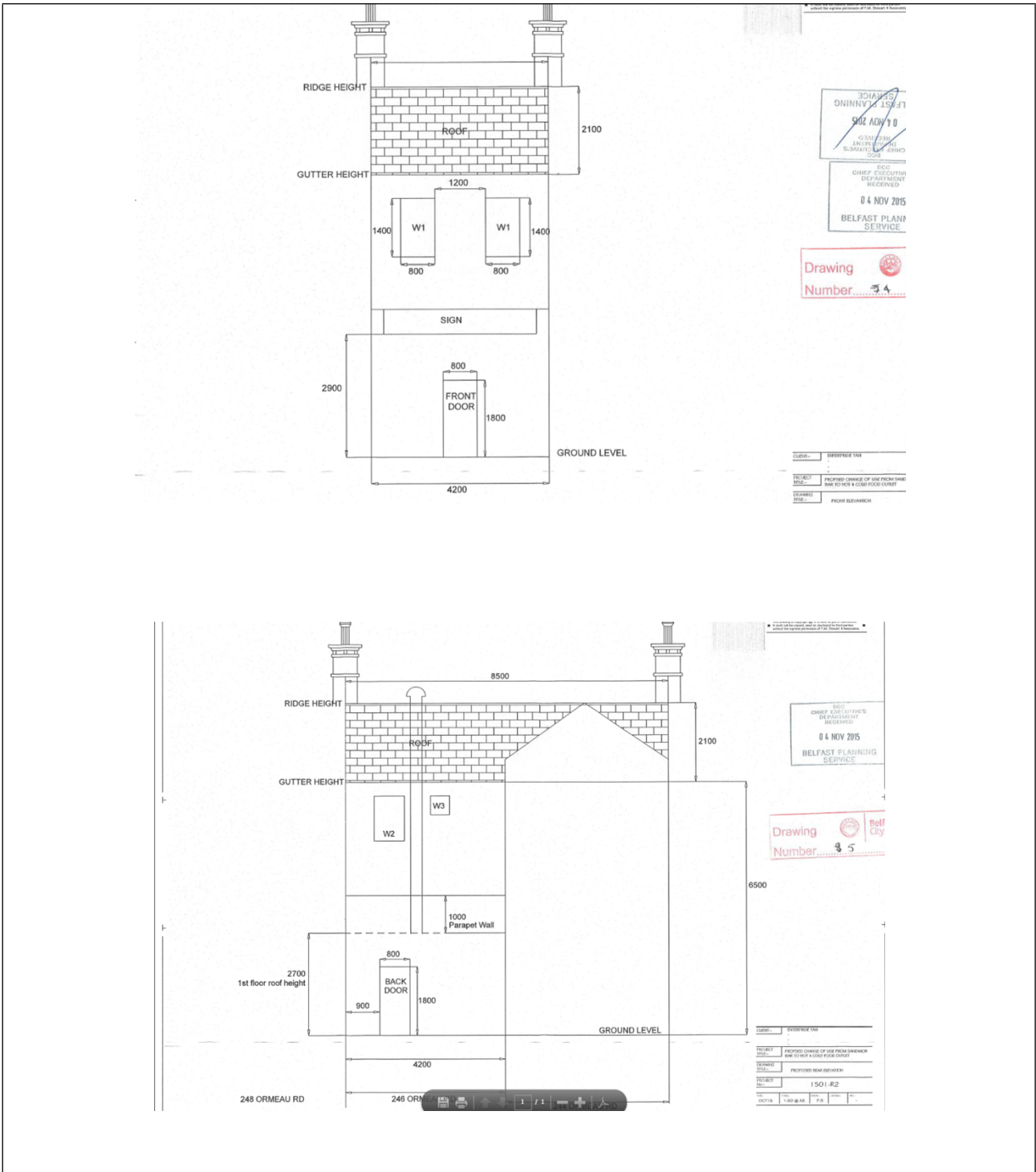
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 March 2016	
Application ID: LA04/2015/1217/F	
Proposal: Change of use from cold food to hot food takeaway including associated odour extraction flu (amended description).	Location: 246 Ormeau Road Ballynafoy Belfast BT7 2FZ
Referral Route: Hot Food Takeaway	
Recommendation:	Refusal
Applicant Name and Address: Enterprise taxis Ltd 33 Saintfield Road Belfast BT8 6AF	Agent Name and Address: N/A
<p>Executive Summary: 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 and; • Impact on residential amenity and; <p>No third party representations have been received.</p> <p>Consultees Transport NI, Environmental Health and NIWater.</p> <p>It is recommended that this application is refused on the grounds that it will be harmful to residential amenity.</p>	

Case Officer Report

Site Location Plan and Proposed Drawings





Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Water - Strategic Applications	No objections
Statutory	NI Transport - Hydebank	No objections
Non Statutory	Env Health Belfast City Council	Objection
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	
1.0	<p>Description of Proposed Development Change of use from cold food to hot food takeaway including associated odour extraction flu.</p>
2.0	<p>Description of Site</p> <p>The application site is located on the ground floor of 246 Ormeau Road. The building containing this unit is a mid-terrace building and is two storeys in height, finished in render at first floor, with a pitched roof in slate. To the rear there a single storey extension and typical alleyway beyond. There is a residential flat directly above the application site which is accessed via a door at the side of the adjacent unit at number 244 Ormeau Rd.</p> <p>The surrounding area is predominately commercial - mixture of retail, offices etc with residential in neighbouring streets. An unmanned taxi office is located on the ground floor of the adjacent property at number 244 Ormeau Rd. At number 248, there is a Chinese hot food bar. The residential flat referred to in the preceding paragraph is above both units at No's 244 and 246 Ormeau Road.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>For planning history see annex, below.</p>
4.0	Policy Framework
4.1	<p>Belfast Metropolitan Area Plan 2015</p> <p>Shopping / Commercial Area - Arterial Route (AR 01/12)</p> <p>The Plan is silent on changes of use to hot food bars within Shopping / Commercial Areas.</p>
4.2	<p>Strategic Planning Policy Statement for NI (SPPS) Development Control Advice Note 4: Restaurants, Cafes and Hot Food Outlets</p>
5.0	Assessment
5.1	<p>The Plan is silent on changes of use to hot food bars within Shopping / Commercial Areas. However, given that the proposal is for a commercial use and despite the presence of two other hot food bars in this row of 6 units, the principle of a commercial use in respect of the zoning of this site is considered to be in compliance with the development plan.</p>
5.2	<p>5.2.1 The key issue is the effect of the proposal upon the amenity of neighbouring residents.</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 Paragraphs 4.11 – 4.11 of the SPPS stresses the importance of safeguarding residential environs. The SPPS states how the planning system has a role to play in minimising potential adverse impacts, such as noise and general disturbance. Annex A of the SPPS outlines how it is recognised that noise, particularly where it is loud, prolonged or evident during normally quiet periods, can impact on human health and wellbeing. This adds that in managing development noise should be treated as a material consideration and where noise is identified as significant issue, consultation with Environmental Health may be necessary.</p> <p>5.2.5 Paragraph 4.12 of DCAN 4 details the factors to be considered in the assessment of proposals comprising fast food outlets and lists potential for adverse impact on the amenity of any adjoining residential areas in terms of noise disturbance, smell, fumes or litter.</p> <p>5.2.6 As part of the processing of this application the planning authority consulted with Belfast City Council’s Environmental Health Department. The EHD, having assessed all of the relevant material has objected to this proposal, is of the opinion that a take-away at ground floor level will have a detrimental impact on the first floor flat from noise and odour disturbance.</p> <p>5.2.7. EHD acknowledges that an extraction system serving no.246 Ormeau Road is proposed to be positioned to the rear main wall running alongside rear first floor bathroom and bedroom windows. EHD further states that although noise mitigation measures can be employed to reduce noise from extraction systems, they are not designed to be ‘silent’ and only limited noise abatement may be technically possible such that a noise impact may still be experienced. Indeed the impact may be greater where a duct is positioned close to an open-able window of a bedroom as in the case of the proposal.</p> <p>5.2.8. There is no amenity space to service the proposal. This means that bins will be kept to the rear in the shared alleyway. This will bring additional smells from rotting food waste and noise from staff egress and entrance to dispose of waste / smoke breaks etc.</p> <p>Other Material Considerations</p> <p>5.2.9 Planning permission was previously refused for a change of use to hot food bar on the application site (Planning reference Z/2011/1474/F). The refusal was appealed (Planning Appeals Commission Ref. 2013/A0235). The PAC dismissed the appeal and thus upheld the refusal. The grounds for refusal in that case also related to impact on residential amenity.</p>
<p>5.3</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and planning permission should be refused for reason outlined in 7.0, below.</p>

6.0	Summary of Recommendation: Refusal
7.0	<p data-bbox="263 257 1444 302">Reasons for Refusal</p> <p data-bbox="263 324 1444 470">The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that it would, if permitted, be harmful to the living conditions of existing or future residents of number 244A Ormeau Road as a result of odours, noise, nuisance, and general disturbance resulting in a loss of residential amenity.</p>

ANNEX	
Date Valid	20th October 2015
Date First Advertised	13th November 2015
Date Last Advertised	27th November 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 244 Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 2FZ, The Owner/Occupier, 244A Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 2FZ, The Owner/Occupier, 248 Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 2FZ, The Owner/Occupier, 3 Somerset Street, Ballynafoy, Ballynafoy, Belfast, Down, BT7 2GS,	
Date of Last Neighbour Notification	16th November 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: Z/2007/0502/F Proposal: Change of use from beauty salon to cold food sandwich bar with 4 - 6 tables for sit-in use. Address: 246 Ormeau Road, Belfast, BT07 2FZ Decision: Decision Date: 22.08.2007 Ref ID: Z/2011/1474/F Proposal: Change of use from sandwich bar with deliveries to hot food restaurant/takeaway with deliveries Address: 246 Ormeau Road, BT7 2FZ, Decision: PR Decision Date: Ref ID: Z/1988/0652 Proposal: Change of use from shop to hot food carry out Address: 248 ORMEAU ROAD, BELFAST BT7 Ref ID: LA04/2015/1217/F Proposal: Change of use from cold food to hot food	

Address: 246 Ormeau Road, Ballynafoy, Belfast, BT7 2FZ,

Ref ID: Z/1981/0851

Proposal: EXTENSION AT REAR OF EXISTING SHOP AND CONVERSION OF FIRST FLOOR TO SALE

Address: 248 ORMEAU ROAD

Ref ID: Z/1989/0527

Proposal: Change of use to offices (retrospective)

Address: GROUND FLOOR, 246 ORMEAU ROAD BELFAST BT7

Ref ID: Z/1986/1923

Proposal: CHANGE OF USE TO TAXI BOOKING OFFICE

Address: 244 ORMEAU ROAD, BT7

Ref ID: Z/1988/1178

Proposal: Erection of gable advertising hoarding

Address: 244 ORMEAU ROAD BELFAST BT7

Ref ID: Z/1990/0465

Proposal: Change of use from vacant office to restaurant and hot food carry out

Address: 246 ORMEAU ROAD BELFAST BT7

Ref ID: Z/1984/1952

Proposal: CHANGE OF USE TO TAXI BOOKING SUB-OFFICE

Address: 244 ORMEAU ROAD

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Drawing No. 02

Type: Existing Layout

Drawing No. 03

Type: Proposed Floor Plan

Drawing No. 04

Type: Front Elevation

Drawing No. 05

Type: Proposed Rear Elevation