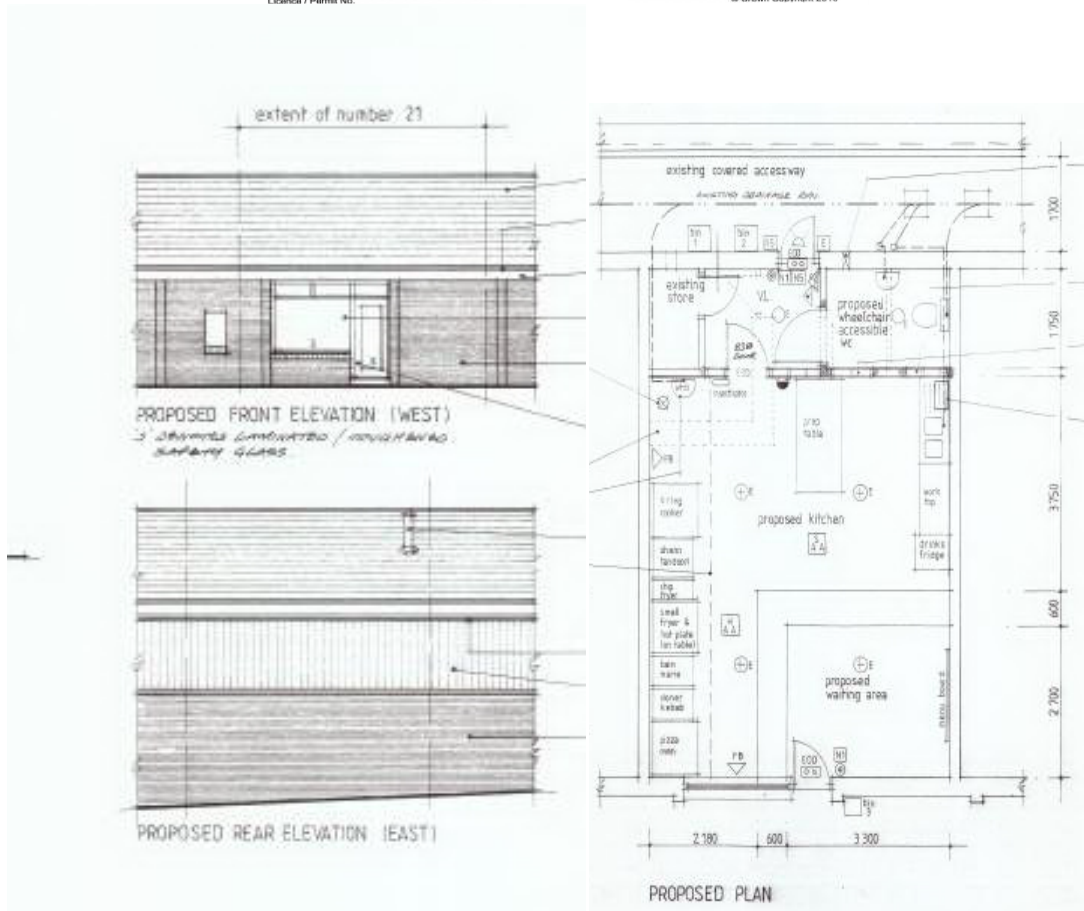


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 16<sup>th</sup> August 2016</b>	<b>Item Number: 8n</b>
<b>Application ID:</b> LA04/2016/0668/F	
<b>Proposal:</b> Change of use from amusement arcade to hot food take away and flue, single storey.	<b>Location:</b> 21 High Gate Terrace Belfast BT13 3RQ
<b>Referral Route: Non-Delegated – Hot Food Takeaway</b>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Mr M Choudhry 24 Elm Corner Dunmurry Belfast	<b>Agent Name and Address:</b> David Smyth Architectural Services 30 Estoril Park Belfast BT14 7NH
<p><b>Executive Summary:</b> This application seeks full planning permission for a change of use from a vacant amusement arcade to a hot food bar (Sui Generis). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of a hot food bar at this location;</li> <li>• Impact on residential amenity.</li> </ul> <p>No representations have been received.</p> <p>Consultees Transport NI has no objections.</p> <p>Environmental Health has no objections subject to conditions to mitigate issues in relation to smell.</p> <p>It is recommended that this application be approved with the attachment of conditions.</p>	

# Case Officer Report

## Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Transport NI - Hydebank	No objection
Non Statutory	Env Health Belfast City Council	No objection subject to conditions
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	
<b>1.0 Description of Proposed Development</b>		
<p>1.1 The proposal is for full planning permission for a change of use from a vacant unit which was formerly an amusement arcade to a hot food bar (Sui Generis). The elevations are to remain unchanged. To the rear an extraction duct is to be installed for an odour abatement system.</p>		
<b>2.0 Description of Site</b>		
<p>2.1 The site is located at 21 High Gate Terrace. The unit is set within a block of 4 units comprising a taxi office, tanning shop and convenience store. The unit is currently vacant and was previously used as an amusement arcade. The proposed take away is to have a floor space of 60.77m<sup>2</sup>. The external elevations of the building are to remain unchanged.</p> <p>The site is located within the High Field Estate. There is a community centre and area of open space on the opposite side of the road from the application site. A football Supporters Club is located to the south of the commercial units. The area surrounding these commercial/community uses is predominantly high density residential.</p>		
<b>3.0 Planning Assessment of Policy and Other Material Considerations</b>		
<b>3.1 Policy Framework</b>		
<p>BMAP 2015  Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development  Planning Policy Statement 3: Access, Movement and Parking  Development Control Advice Note (DCAN) 4 – Restaurants, Cafes and Fast Food Outlets</p> <p>BMAP</p>		
<p>3.2 The site is not zoned for any specific use in BMAP 2015.</p>		
<b>Planning History</b>		
<p>3.3 Z/1993/2599 - Change of use from hairdressers to hot food bar, 23 Highgate Terrace – Approved 15/11/93. Planning permission was previously granted for a hot food take away in the adjoining unit which is currently operating as a tanning shop. Therefore I</p>		

would appear that this permission was never implemented.

#### SPPS

3.4 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.

3.5 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.

#### PPS3

3.6 Transport NI has considered the proposal, and deemed it to be acceptable and in compliance with Planning Policy Statement 3: Access, Movement and Parking.

#### DCAN 4

3.7 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.

#### Noise Disturbance

3.8 DCAN 4 refers to various sources of noise disturbance in terms of vehicles, people and associated equipment with catering facilities. Environmental Health has considered the proposal and has no objection in respect of noise.

#### Smell

3.9 BCC's Environmental Health Department was consulted with the proposal and recommended the attachment of conditions for the provision of an odour abatement system and are content with the system shown on the drawings submitted (Drawing No. 03).

#### Refuse and Litter

3.10 Environmental Health has recommended the attachment of an informative that the applicant shall provide litter bins inside and outside the premises and ensure such receptacles are adequately serviced and maintained

#### Traffic considerations and car parking

3.10 As indicated in para 3.5 above Transport NI were consulted and has no objection to the proposal. In terms of the impact on the amenity of the area the site is vacant and was previously used as a commercial unit attracting vehicles to the site. It is considered that the proposed change of use will not detrimentally impact upon traffic or parking in the area.

#### Provision for people with disabilities

3.12 The site can be accessed by wheel chair users.

#### Impact on Residential Amenity

3.13 There is an existing terrace of residential dwellings and a detached dwelling to the east of the site with a back-to-back relationship with the commercial units. An alley way separates the commercial units from the residential properties which sit at a lower level to the commercial units. The separation distance between the rear of the unit and the nearest residential property is 16m with the alley between. The distance from the rear boundary of the application site to the boundary of the nearest dwelling is 4.5m. It is considered that there is adequate separation distance between the properties coupled with the difference in levels and the back-to-back relationship to ensure no adverse impact on neighbouring residents. Other residential properties in the vicinity are considered to be an adequate distance from the unit to ensure no adverse impact on residential amenity.

3.14 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.

Neighbour Notification Checked

Yes

**Summary of Recommendation:** Taking all factors into consideration on balance, the proposal is considered acceptable and planning permission is recommended.

**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. A proprietary odour abatement system shall be installed prior to commencement of the use hereby approved to suppress and disperse odours created from cooking operations on the premises. The outlet from any extract ventilation ducting shall terminate at a height not less than 1 metre above the eaves height of the main building and it should be directed away from nearby residential premises.

Reason: In the interests of residential amenity.

<b>ANNEX</b>	
<b>Date Valid</b>	23rd March 2016
<b>Date First Advertised</b>	22nd April 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 102 West Circular Road, Ballymagarry, Belfast, Antrim, BT13 3QJ, The Owner/Occupier, 104 West Circular Road, Ballymagarry, Belfast, Antrim, BT13 3QJ, The Owner/Occupier, 19 Highgate Terrace Belfast BT13 3RQ The Owner/Occupier, 21 Highgate Terrace, Ballymagarry, Belfast, Antrim, BT13 3RQ, The Owner/Occupier, 23 Highgate Terrace, Ballymagarry, Belfast, Antrim, BT13 3RQ, The Owner/Occupier, Highfield Community Centre, High Green, Ballymagarry, Belfast, Antrim, BT13 3SA,	
<b>Date of Last Neighbour Notification</b>	17th May 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b> Z/1998/2783 - Change of use from ground floor retail unit to amusement Centre, 21 Highgate Terrace – Approved 25/11/98  Z/1993/2599 - Change of use from hairdressers to hot food bar, 23 Highgate Terrace – Approved 15/11/93  Z/1983/1792 – Replacement Shop Units, 17-31 Highgate Terrace – Approved 10/02/1984	
<b>Summary of Consultee Responses</b> No objection subject to conditions	
<b>Drawing Numbers and Title</b> 01 – Site Location Plan 02 – Existing Plans, Elevations and Sections 03 – Proposed Plans, Elevations and Sections	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Not required Response of Department:	