

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 <sup>th</sup> November 2016	
<b>Application ID:</b> LA04/2016/1794/F	
<b>Proposal:</b> Change of use to chip shop sit in restaurant and carry out.	<b>Location:</b> 75-77 Castle Street Town Parks Belfast BT1 1GJ
<b>Referral Route:</b> Hot food bar.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> North Street Mini Market 34-36 North Street Belfast BT1 1NA	<b>Agent Name and Address:</b> David Smyth Architectural Services 30 Estoril Park Belfast BT14 7NH
<p><b>Executive Summary:</b></p> <p>The proposal seeks full permission for the change of use from a retail unit (Class A1) to a hot food bar (sui generis). The premises will operate as a restaurant and takeaway.</p> <p>The application site is identified on BMAP as a primary retail core (Designation CC 005) and falls within the Belfast City Centre Conservation Area (Designation CC 009 – Old City Character Area).</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of a hot food use at this location;</li> <li>• Impact on amenity of neighbouring properties;</li> </ul> <p>The proposal has been assessed against the requirements of the Strategic Planning Policy Statement: Planning for a Sustainable Development, BMAP, Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets and Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built Heritage.</p> <p>The principle of a hot food bar at this location is considered acceptable and the applicant does not propose any changes to the external fabric of the building therefore design issues do not arise.</p> <p>Transport NI, Environmental Health and the Conservation Area Officer have no objection to the proposal subject to the inclusion of conditions and informatives.</p> <p>No representations were received.</p> <p>It is recommended that the application is approved subject to conditions.</p>	



	<p>office and residential – permission granted 2010</p> <ul style="list-style-type: none"> <li>• Z/2007/1036/DCA – 79- 81, Castle Street – demolition of building – permission granted 2010</li> </ul>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Designation CC 005 – Primary Retail Core Designation CC 009 – Old City Character Area</p>
4.2	<p>Belfast Metropolitan Area Plan (BMAP) 2015 Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 3 (PPS3) Access, Movement and Parking Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built Heritage Development Control Advice Note (DCAN) 4, Restaurants, Cafes and Fast Food Outlets</p>
<b>5.0</b>	<b>Non Statutory Consultee Responses</b>
5.1	<p>Transport NI – No Objection Environmental Health – No Objection</p>
<b>6.0</b>	<b>Representations</b>
6.1	The application was advertised in the local press on 16 <sup>th</sup> September 2016 and no objections have been received.
<b>7.0</b>	<b>Assessment</b>
7.1	The key issues in assessment of the proposed development include the principle of a hot food use at this location and the potential impact on amenity of neighbouring properties.
7.2	<p>As the site is identified on BMAP as primary retail core and the application is for the change of use to a non-retail use Policy R1 Retailing in Town Centres is applicable. Policy R1 states that:</p> <p>“Non-retail development will be restricted in all designated primary retail cores and primary retail frontages so that no more than 25% of the frontage of the shopping streets(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use”</p>
7.3	The primary retail core will be the preferred location for new comparison and mixed retail development therefore it is important to ensure that one particular use does not dominant the streetscape. It is considered that the change of use to a restaurant/cafe in this instance complies with the planning policy set out in BMAP. The proposed development will not result in more than 25% of the frontage of Castle Street being in non-retail use and will not result in more than three adjacent non-retail uses. It is considered that the proposal complies with Policy R1.
7.4	<p>In terms of DCAN 4 a number of factors need to be considered in terms of noise disturbance, smells and fumes, refuse and litter and transport consideration. Environmental Health has considered the proposal and has no objection in respect of noise. To ensure neighbouring commercial units are not adversely affected by cooking and odours from the restaurant unit Environmental Health has recommended a condition that an odour abatement system shall be installed to supress and disperse odours. It is also recommended that an informative is attached to ensure that the applicant shall provide litters bins inside and outside the premises.</p>
7.5	PPS 6 is also relevant as the site is located within the City Centre Conservation Area. There are no changes proposed to the external appearance of the building. The CA officer was consulted and offered no objections to the proposal. The proposal is considered to comply with relevant parts of PPS6.

7.7	Transport NI have no objections and the proposal is considered to comply with PPS3.
<b>8.0</b>	<b>Summary of Recommendation: Approve</b>
8.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and listed building consent is recommended subject to the following conditions.
<b>9.0</b>	<b>Conditions</b>
	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to operation of the use hereby approved 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 1 metre above the eaves at roof level as detailed in Planning Drawing No. 3A date stamped 15th September 2016.</p> <p>Reason: to protect neighbouring amenity</p> <p>Informatives</p> <p>1. The abatement system is required to be cleaned and maintained in accordance with the manufacturer's instructions.</p> <p>2. This development requires the installation of a grease trap.</p> <p>3. The applicant is advised to contact NIW through its Customer Relations Centre on 08458 770002 or <a href="mailto:waterline@niwater.com">waterline@niwater.com</a>, upon receipt of this consultation to discuss any areas of concern.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	22nd August 2016
<b>Date First Advertised</b>	16th September 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 6 Chapel Lane, Town Parks, Belfast, Antrim, BT1 1HH, The Owner/Occupier, 72 Castle Street, Town Parks, Belfast, Antrim, BT1 1HD, The Owner/Occupier, 73 Castle Street, Town Parks, Belfast, Antrim, BT1 1GJ, The Owner/Occupier, 79-81, Castle Street, Town Parks, Belfast, Antrim, BT1 1GJ,	
<b>Date of Last Neighbour Notification</b>	20th September 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	