

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 15 November 2016	
Application ID: LA04/2016/1183/F	
Proposal: Ground floor change of use to pizzeria (Retrospective)	Location: 153 Stranmillis Road Belfast BT9 5AJ
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: The Honest Pizza Company 153 Stranmillis Road Belfast BT9 5AJ	Agent Name and Address: Donaldson Planning 50a High Street Holywood BT18 9AE
<p>Executive Summary:</p> <p>Retrospective full planning permission is sought for a change of use of the ground floor from former use as a sandwich shop to a pizzeria.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of a hot food use at this location; • Impact on amenity of neighbouring properties; • Impact on traffic flow; <p>The site is located within the city development limits for Belfast as designated within the Belfast Metropolitan Area Plan 2015.</p> <p>The proposal has been assessed against the requirements of the Strategic Planning Policy Statement: Planning for a Sustainable Development and Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets.</p> <p>The principle of a pizzeria 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, NI Water and Environmental Health 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>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	The proposal is for a retrospective ground floor change of use to a pizzeria.
2.0	Description of Site
2.1	The site is located at no.153 Stranmillis Road in South Belfast. It consists of a three storey terrace property and falls within the Stranmillis Village Area of Townscape Character (BT055).

Planning Assessment of Policy and other Material Considerations

3.0	Relevant Planning History
3.1	Z/1980/1615 - 153 Stranmillis Road – Change of Use from flats to offices – Permission refused
3.2	Z/1983/1208 – No. 153 Stranmillis Road - Change of Use of 1 st and 2 nd floor to office accommodation – Permission granted
3.3	Z/1984/0708 - 153 Stranmillis Road – Erection of Shopfront and rear extension- Permission granted

3.4	Z/1984/1045 - 153 Stranmillis Road - Change of Use to ground floor hot food bar with storage use over – Permission granted
3.5	Z/1990/0369 - 153A Stranmillis Road - Installation of illuminated projecting sign – Permission refused
3.6	Z/1991/0262 - 153A Stranmillis Road - Installation of illuminated sign – Permission granted
3.7	Z/1993/0485 - 153A Stranmillis Road - Construction of projecting front elevation sign - Permission granted
3.8	Z/1997/0613 - 153 Stranmillis Road - Alterations to frontage of sandwich bar - Permission granted
3.9	Z/1997/0614 - 153 Stranmillis Road - Signage to sandwich bar - Permission granted
3.10	LA04/2015/0102/CA - 153 Stranmillis Road - Unauthorised hot food bar – Planning Application received
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	Strategic Planning Policy Statement for Northern Ireland
5.0	Other Material Considerations
5.1	Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.
6.0	Statutory Consultees – None
7.0	Non Statutory Consultee Responses
7.1	BCC - Environmental Health Department – No objection subject to conditions and informatives (see below)
7.2	Transport NI – No objection
7.3	NI Water – No objection subject to condition (see below)
8.0	Representations - None
9.0	Assessment
9.1	SPPS 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.
9.2	BMAP The site is not zoned for any specific use in BMAP and falls with an Area of Townscape Character (Ref BT 056).

9.3	No.153 Stranmillis Road is the ground floor of a three storey terrace building. Currently it is being used as a pizzeria (the Honest Pizza Company). The upper floors relate to 153a Stranmillis Road last used as a hairdressers and currently vacant.
9.4	Planning permission was previously granted in 1984 for a hot food unit on the ground floor of the premises and in intervening years the unit has been operating as a sandwich bar. The change of use sought is from Class A1 (retail) to the sui generis hot food use.
9.5	<p>DCAN 4</p> <p>The proposal falls to be considered under DCAN 4 which states that many urban areas contain commercialised radial routes which have similarities with district and local centres and therefore proposals for hot food bars will be subject to the same considerations as those applicable to district and local centres. The factors to be considered include the impact on the vitality and viability of the area and the need to retain local retailing, the ability of the area to absorb the proposal, the quality and attractiveness of the development, the impact on the amenity of adjoining residential areas in terms of noise disturbance, smell, fumes or litter.</p>
9.6	<p>Impact on the vitality and viability of Stranmillis Road</p> <p>DCAN 4 states that the proposal by itself or cumulatively with other non-retail uses should not undermine the primary role of the 'centre' in providing local convenience shopping needs and advises that the level and nature of existing non-retail uses and the number of unimplemented valid planning permissions.</p>
9.7	<p>Two recent appeal decisions are relevant in this consideration. One appeal decision was allowed for a retrospective change of use of ground floor to restaurant with hot food away (Ref Z/2013/0661/F). The other appeal decision related to the Change of Use from Class A2 to Restaurant Use (Ref Z/2014/0455/F). An analysis of the level of non retail/hot food uses was considered as part of the appeals and the Planning Appeals Commission (PAC) stated that 30% of commercial units were in use as ground floor restaurants/cafes and 4 takeaways. The PAC concluded that an increase to 32% would not represent a significant increase. Taking account of the two recent approvals and the current proposal the percentage of ground floor restaurants/cafes and hot food takeaways would increase to 36%. It is considered that this level would not result in the area being dominated by restaurant/ cafes and hot food units and a strong mix of uses in the area would be maintained.</p>
9.8	<p>DCAN 4 refers to four general areas of concern for fast food outlets:</p> <ul style="list-style-type: none"> • noise disturbance • smells/fumes; • refuse/litter • traffic/parking; and, • provision for people with disabilities.
9.9	<p>The first three points are considered due to their potential Impact on the amenity of adjoining residential areas</p> <p>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.</p>
9.10	<p>BCC's Environmental Health Department was consulted with the proposal and recommended the attachment of a condition for the provision of an appropriate odour</p>

9.11	<p>abatement system. The unit has a previous commercial use and therefore has already established the principle of noise disturbance, traffic/parking and potential refuse/litter.</p>
9.12	<p>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.</p>
9.13	<p>In terms of the impact on the amenity of the area the unit was previously used as a sandwich shop and it is considered that the proposed change of use will not detrimentally impact upon traffic or parking in the area. Transport NI was consulted and has no objection to the proposal. The proposal is considered to comply with PPS 3.</p>
9.14	<p>Provision for people with disabilities has been taken into account and the unit can be accessed by wheel chair users.</p>
9.15	<p>There is an existing terrace of residential dwellings (St. Albans Gardens) to the east of the site. An alley way separates the commercial units along Stranmillis Road from the residential properties. The separation distance between the rear of the unit and the nearest residential property is 3m with the alley between. The terrace of dwellings are side onto the back of the application site with no windows in the side elevation of the nearest property at No. 2 St. Albans. It is considered that the juxtaposition of the buildings and the adequate separation distance will ensure no adverse impact on the amenity of neighbouring residents.</p>
9.16	<p>The proposed flue is indicated to the rear return of the property. Notwithstanding the drawings. This flue should terminate one metre above the eaves. Its location is considered acceptable.</p>
9.17	<p>Taking account of the previous history of the unit, recent relevant appeal decisions in the area and policy considerations it is considered that the use of the unit as a hot food bar is 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 residential properties.</p>

Neighbour Notification Checked: Yes

Summary of Recommendation:

Having regard to the relevant planning policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.

Conditions

1. This permission is valid from the date on which the development was carried out under Section 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application

2. Notwithstanding the details of the proprietary odour abatement system as indicated on drawing, 03, date stamped 24th August 2016, the outlet from the extract ventilation ducting shall be altered to terminate at a height not less than 1 metre above the eaves height of the main building and should be directed away from nearby premises within one month of the date of this decision.

Reason: Protection of human health and amenity due to odours.

3. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions.

Reason: Protection of human health and amenity due to odours.

Informatives

1. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination-CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.

2. The applicant is advised that this development requires the installation of a grease trap.

ANNEX	
Date Valid	25 May 2016
Date First Advertised	17 June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 151 Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AJ, The Owner/Occupier, 153a Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AJ, The Owner/Occupier, 155 Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AJ, The Owner/Occupier, 2 St. Albans Gardens, Malone Lower, Belfast, Antrim, BT9 5DR, The Owner/Occupier, 84 Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AD, The Owner/Occupier, 84A Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AD, The Owner/Occupier, Flat 1, 155A Stranmillis Road, Malone Lower, Belfast, Antrim, BT9 5AJ,	
Date of Last Neighbour Notification	08 July 2016
Date of EIA Determination	N/A
ES Requested	No
Representations for Elected Representatives: None	
Notification to Department (if relevant): N/A	