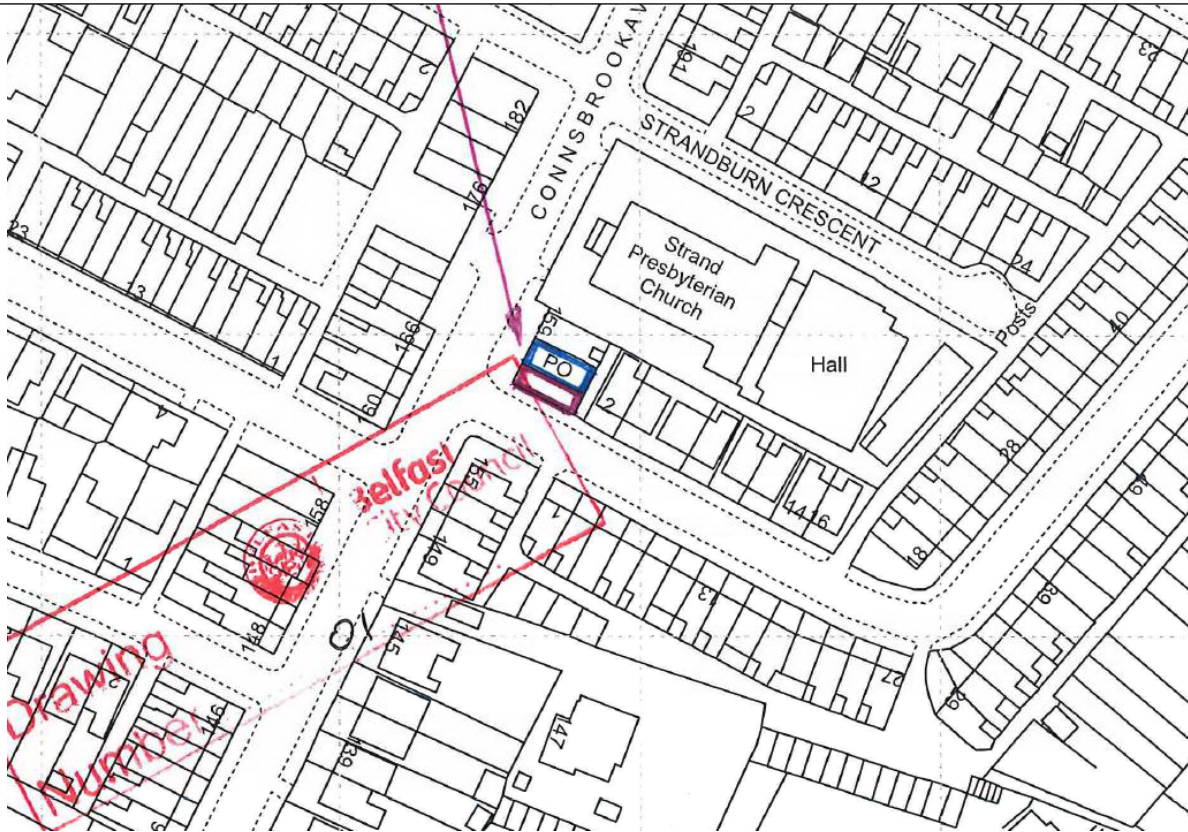


**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 November 2016	
<b>Application ID:</b> LA04/2016/1822/F	
<b>Proposal:</b> Change of use of unit 1 from retail to a hot food outlet selling hot and cold food and drinks	<b>Location:</b> Unit 1 157 Connsbrook Avenue Belfast BT4 1JY
<b>Referral Route:</b> Hot Food Bar	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Ms Margaret McWilliams 157 Connsbrook Avenue Belfast BT4 1JY	<b>Agent Name and Address:</b> PenMin Design 22 Belsize Road Lisburn BT27 4BN
<b>Executive Summary:</b>	
<p>Full planning permission is sought for a change of use from retail to a hot food outlet selling hot and cold food and drinks.</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> <li>• Impact on traffic flow;</li> </ul> <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 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, 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 the change of use from a retail outlet to a hot food outlet selling hot and cold food.

## 2.0 Description of Site

- 2.1 The site is located at Unit 1, 157 Connsbrook Avenue in East Belfast. It consists of the end unit in a row of three single storey units. The site does not fall within any designations.

## Planning Assessment of Policy and other Material Considerations

## 3.0 Relevant Planning History

- 3.1 Z/1990/0788 - 157 Connsbrook Avenue - Extension to existing shop - Permission Granted

## 4.0 Policy Framework

- 4.1 Belfast Metropolitan Area Plan 2015  
4.2 Strategic Planning Policy Statement

## 5.0 Other Material Considerations

5.1	Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.
6.0	<b>Statutory Consultees</b> – None
7.0	<b>Non Statutory Consultee Responses</b>
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	<b>Representations</b> - None
9.0	<b>Assessment</b>
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	The existing building is was formerly a post office however this use has ceased and the unit is now vacant. It is a single storey unit in a block which contains two other retail uses – a clothes shop and a bakery.
9.4	The surrounding area is predominantly residential. There is a cluster of non-residential units around this node on the main Connsbrook Avenue, however, streets which run off are all residential.
9.5	DCAN 4 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.
9.6	Impact on the vitality and viability of this commercial Node on Connsbrook Avenue 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.
9.7	While of small scale, the surrounding area has a mix of commercial and community uses, hairdressers, beauty salon, co-op, pharmacy, mace, bakery, ladies fashion as well as Church and Primary school. This proposal is the first introduction of a hot food unit and is therefore considered will not impact on the vitality and viability of this commercial node.

9.8	<p>DCAN 4 refers to four general areas of concern for fast food outlets:</p> <ul style="list-style-type: none"> <li>• noise disturbance</li> <li>• smells/fumes;</li> <li>• refuse/litter</li> <li>• traffic/parking; and,</li> <li>• provision for people with disabilities.</li> </ul>
9.9	<p>The first three points are considered due to their potential Impact on the amenity of adjoining residential areas 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 abatement system.</p>
9.11	<p>The unit has a previous commercial use and therefore has already established the principle of noise disturbance, traffic/parking and potential refuse/litter. Transport NI was consulted and had no objection. The proposal is considered to comply with PPS 3.</p>
9.12	<p>Provision for people with disabilities has been taken into account and the unit can be accessed by wheel chair users.</p>
9.13	<p>NI Water was consulted and advised that the applicant would need to obtain approval to connect.</p>
9.14	<p>There is an existing terrace of residential dwellings (Strandburn Drive) to the rear of the site. An alley way separates the commercial units from the residential properties on this street. The separation distance between the rear of the unit and the nearest residential property is 2.5m 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 Strandburn Drive. 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>
9.15	<p>The proposed flue is indicated to the front of the property, just below the ridge on the gable end. Its location is considered acceptable.</p>
9.16	<p>Taking account of the previous retail history of the unit and the policy considerations it is considered that the use of the unit as a hot food bar is acceptable at this location and will not 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. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

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 Planning Drawing No.2 and No.3 – Proposed Elevation and layout of Proposed Trading Name: Tasty Place 157 Connsbrook Avenue by Premier Design Architects August 2016. The extraction and ventilation system must be cleaned and maintained in accordance with the manufacturer's instructions to ensure compliance with the above condition.

Reason: In the interests of protecting residential amenity.

#### Informatives

1. For information on design of odour extraction systems, the applicant is advised to refer to the DEFRA/NETCEN Guidance at <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust.pdf>

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

Noise - 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 office and commercial units.

3. The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

4. If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

5. This development requires the installation of a grease trap.

6. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via [waterline@niwater.com](mailto:waterline@niwater.com) if they have any queries.

#### ANNEX

ANNEX	
<b>Date Valid</b>	07 September 2016
<b>Date First Advertised</b>	15 September 2016
<b>Date Last Advertised</b>	

<b>Details of Neighbour Notification</b> (all addresses)	
155 Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JX, 159 Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY, 166 Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY, 2 Strandburn Drive, Strandtown, Belfast, Down, BT4 1NA, Apartment 1, 168C Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY, Apartment 2, 168C Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY, Apartment 3, 168C Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY, Apartment 4, 168C Connsbrook Avenue, Strandtown, Belfast, Down, BT4 1JY,	
<b>Date of Last Neighbour Notification</b>	15 September 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Representations for Elected Representatives:</b> None	
<b>Notification to Department (if relevant):</b> N/A	