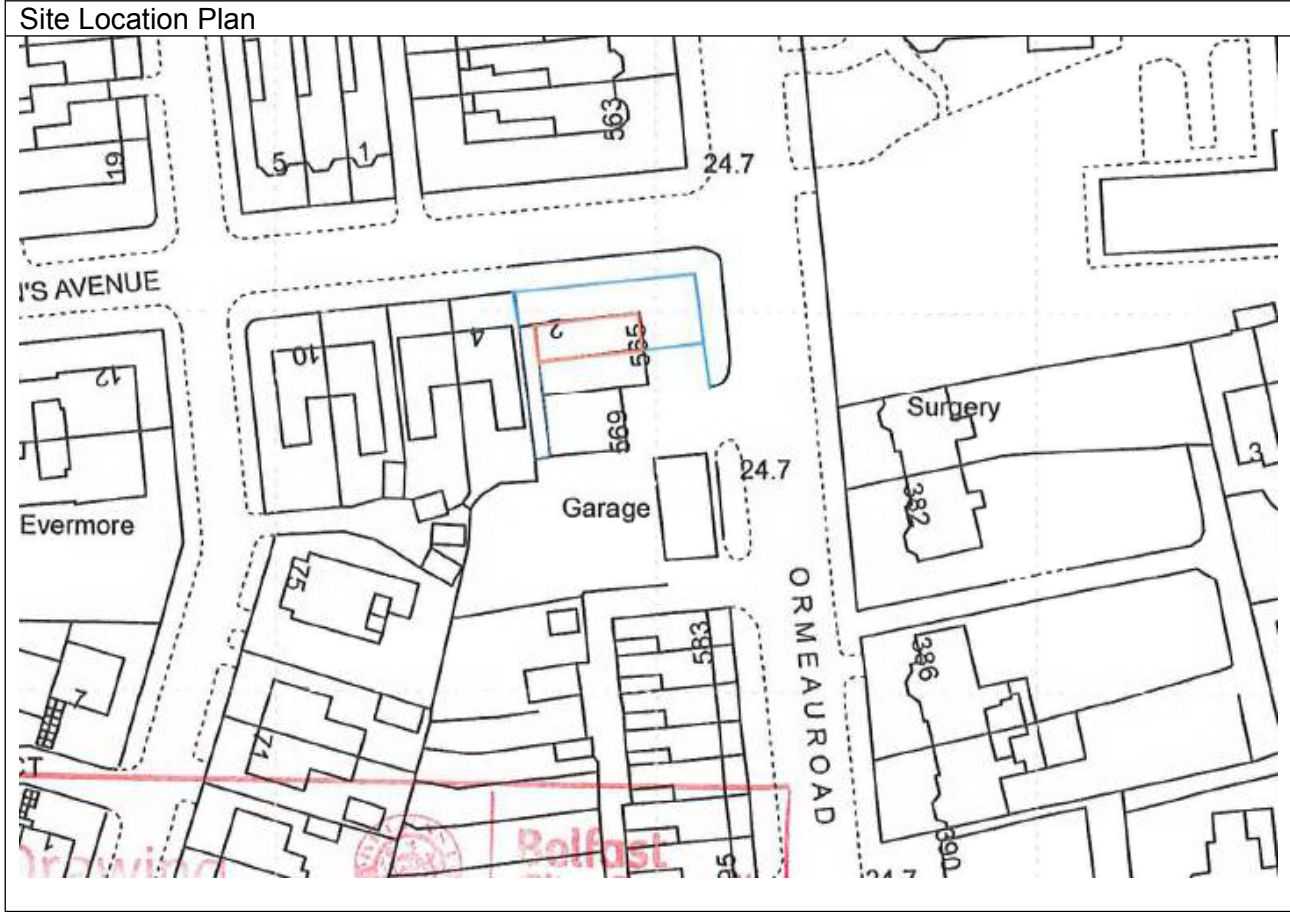


**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 14 March 2017	
<b>Application ID:</b> LA04/2016/1158/F	
<b>Proposal:</b> Change of use from post office to hot food bar with side roof odour extraction flue	<b>Location:</b> 565 Ormeau Road Ballynafoy Belfast BT73JB
<b>Referral Route:</b> Hot Food Bar	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b>  Michael Neil 80A Groomsport Road Bangor BT20 5NF	<b>Agent Name and Address:</b>  Hutcheson Irvine Partnership 48 Grays Hill Bangor BT20 3BB
<p><b>Executive Summary:</b></p> <p>Full planning permission is sought for a change of use from retail to a hot food outlet. The proposal includes an odour extraction flue to the side.</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>22 letters of objection and 11 comments in support of the proposal were received.</p> <p>It is recommended that the application is approved subject to conditions.</p>	

Case Officer Report



Characteristics of the Site and Area

1.0	<p><b>Description of Proposed Development</b></p> <p>The proposal is for a change of use from a post office (Class A1) to a fast food outlet (sui generis). The proposal also involves the instillation of an odour extraction flue to the side elevation of the building.</p>
2.0	<p><b>Description of Site</b></p> <p>The site is located at no.565 Ormeau Road. It occupies the corner property where the Ormeau Road meets St John’s Avenue and consists of a small (69sqm) single storey building. The property was formerly used as a post office and is adjacent to a petrol filling station forecourt and associated Mace convenience store. The area to the south beyond the filling station along the Ormeau Road and to the north is predominantly residential. Opposite the site are the grounds of Newtownbreda Presbyterian Church and a private dental surgery. Further south along the Ormeau Road at the junction with Knockbreda Park is a Co-operative supermarket.</p> <p>The site does not fall within any designated zones but does lie along the Ormeau Road Arterial Route (AR01/12).</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p><b>Relevant Planning History - None</b></p>
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4.0	<p><b>Policy Framework</b></p> <p>Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement Development Control Advice Note (DCAN) 4: Restaurants, Cafes and Fast Food Outlets</p>
5.0	<p><b>Other Material Considerations</b></p> <p>PAC Decision 2016/A0014 – An appeal against a decision to refuse permission for a hot food takeaway due to impact on residential amenity was allowed (Beechfield Street)</p>
6.0	<p><b>Statutory Consultees</b></p> <p>Transport NI – No objection NI Water – No objection</p>
7.0	<p><b>Non-Statutory Consultee Responses</b></p> <p>BCC - Environmental Health Department – No objection subject to conditions</p>
8.0	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. 22 letters of objection have been received and 11 comments in support of the proposal.</p> <p>A summary of the issues raised by the objectors is as follows:</p> <ul style="list-style-type: none"> <li>• Odour issues created by the proposal</li> <li>• Potential increase of noise generated by vehicles and pedestrians would cause a negative impact on local residents</li> <li>• Increase in traffic congestion and the potential for potential accidents</li> <li>• Inadequate parking in the area</li> <li>• Night-time trade would increase potential issues of public safety from antisocial behaviour</li> <li>• Potential litter problems adding to local problem with vermin</li> <li>• The proposal will cause harm to local residential amenity as a fast-food outlet is not in character of the area</li> <li>• Proliferation of takeaways nearby further along the Ormeau Road</li> <li>• Concern over local school children being tempted to eat unhealthy food sold at the premises</li> <li>• Lack of notification – no clear indication of the proposal being posted anywhere prominent</li> <li>• Misleading parking survey</li> <li>• Comments in support of proposal being massively outweighed by objections; most support comments coming from residents who are not immediately impacted</li> </ul> <p>The above issues will be dealt with in the assessment below.</p>
9.0	<p><b>Assessment</b></p>
9.1	<p>The site does not fall within any designations in BMAP other than falling along an Arterial Route (AR01/12). AR01 of BMAP states Arterial Routes are the main radial roads which connect Belfast City Centre to the surrounding suburban residential areas have historically functioned, not only as principal transportation corridors but also, as retail and service centres providing important social, commercial, shopping and leisure functions for</p>

	the communities which live along the routes. The proposal for a commercial use is not contrary to this policy.
9.2	The Strategic Planning Policy Statement states: The planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development. In addition, sustainable development should be permitted unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposed development is not contrary to this general aim of the SPPS.
9.3	<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>
9.4	<p>Impact on the vitality and viability of Ormeau 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. There are no concerns with the loss of this retail unit at this very minor commercial node.</p>
9.5	<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>
9.6	<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.</p>
9.7	The Council's Environmental Health Unit was consulted and raised no concerns regarding noise and nuisance and are content with the proposal subject to conditions and informatives. The installation of the flue to the side of the property, which terminates 1 metres above the eaves of the building is considered sufficient to disperse odour. A number of objections were received from local residents outlining concerns with odour created by the proposal, however, Environmental Health have no objections on these grounds.
9.8	Objections also raised issues with noise and nuisance associated with the proposal by vehicles and pedestrians attracted to the business. The previous use of the unit as retail, which would generate pedestrian and vehicular traffic to the site is a material consideration and it is therefore considered, the impact of the change of use would not be sufficiently detrimental to adjacent residents as to warrant a refusal on these grounds. Transport NI were consulted on the proposal. Following submission of a parking survey

9.9	<p>they did not offer any objections to the proposal in terms of road safety or parking. An objection was received following submission of the parking survey raising concerns to the accuracy of the information submitted. Transport NI have confirmed they are content with the survey. The applicant was required to demonstrate 8 parking spaces within 200m of the business. Transport NI have omitted any parking spaces within 15m of a junction or on double yellow lines and are content 8 parking spaces are available at the peak hours of the Hot Food Bars business.</p> <p>It is also noted that peak hours of use for the Hot Food Bar would not coincide with school drop off/pick up hours.</p>
9.10	<p>NI Water was consulted and confirmed that the existing premises were already connected to public water and sewerage networks.</p>
9.11	<p><u>Response to other issues raised by objectors</u></p>
	<p>Although the area to the east of the site along St Johns Avenue and to the north along the Ormeau Road is predominantly residential, there is a mixture of land uses in the vicinity including a filling station, a Co-op supermarket along with a Church and an orthodontist practice. As there is a mixture of uses besides residential the proposed hot food take away would therefore not be out of character in the area. Additionally, the site was formerly a post office and not itself in residential use.</p>
9.12	<p>As above, the Council's Environmental Health Unit was consulted with regard to any potential issues relating noise, air pollution, general amenity and contaminated land caused by the proposal. It responded with no objection subject to a condition relating to the installation of an odour abatement system. This has been included in the proposal with an extraction flue terminating 1m above the eaves on the gable end of the unit. It is therefore not considered that the proposal will result in any unacceptable impact on local residents in terms of noise or odour. As regards potential littering, it is to be conditioned that litter bins be placed outside of the premises when the shop is open for business. It is also considered a condition restricting opening times between 8am to 10pm will further protect residential amenity. Any issues with regards vermin at the site or in the vicinity would also be an Environmental Health matter.</p>
9.13	<p>Concerns that local school children being tempted to eat unhealthy food sold at the premises is not considered to be a planning matter.</p>
9.14	<p>All occupants of neighbouring land were written to about the proposal and it was advertised in the local press. The statutory requirement of advertising and notification of the proposal was therefore adhered to.</p>
9.15	<p>While it is noted that the number of objections to the proposal outweigh the number of representations in support, all issues raised were given balanced consideration.</p>
9.16	<p>Material consideration must be given to PAC Decision 2016/A0014 in which an appeal against a decision to refuse permission for a hot food takeaway due to impact on residential amenity was allowed.</p>
9.17	<p><u>Conclusion</u></p>
	<p>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.</p>

Neighbour Notification Checked: Yes

Summary of Recommendation: 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. The premises shall not be open to the public outside 08.00 and 22.00 hours.

Reason: In the interest of residential amenity.

3. Deliveries and collections by commercial vehicles shall only be made to and from the site between 08.00 and 22.00 hours.

Reason: In the interest of residential amenity.

4. In accordance with Drawing No. 04, date stamped 13 May 2016, 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 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 and be cleaned and maintained thereafter.

Reason: In the interest of public health.

5. A minimum of two litter bins will be provided outside of the premises at all times.

Reason: In the interest of visual amenity and public health

#### Informatives

1. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is: Belfast South Section Office, 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be required to cover works on the public road.

2. All construction plant and materials shall be stored within the curtilage of the site.

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. This development requires the installation of a grease trap.

5. **CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011**  
The applicant is advised to ensure that all plant and equipment used in connection with the hot food bar is so situated, operated and maintained as to prevent the transmission of noise to nearby residential premises.

<b>ANNEX</b>	
<b>Date Valid</b>	06 June 2016
<b>Date First Advertised</b>	24 June 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b>	
<p>The Owner/Occupier, 4 St. Johns Avenue,Ballynafoy,Belfast,Down,BT7 3JE  The Owner/Occupier, 563 Ormeau Road,Ballynafoy,Ormeau,Belfast,Down,BT7 3JB  The Owner/Occupier 567, Ormeau Road,Ballynafoy,Ormeau,Belfast,Down,BT7 3JB  The Owner/Occupier, Newtownbreda Presbyterian Church, 374-378 Ormeau Rd,  Ballynafoy,Ormeau,Belfast,Down,BT7 3JB</p>	
<b>Date of Last Neighbour Notification</b>	17 June 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Representations for Elected Representatives:</b>	
<p>Dr Alistair McDonnell MP – Objection  Cllr Kate Mullan – Objection  Paula Bradshaw MLA- Objection  Claire Hanna MLA –Objection</p>	
<b>Notification to Department (if relevant): N/A</b>	