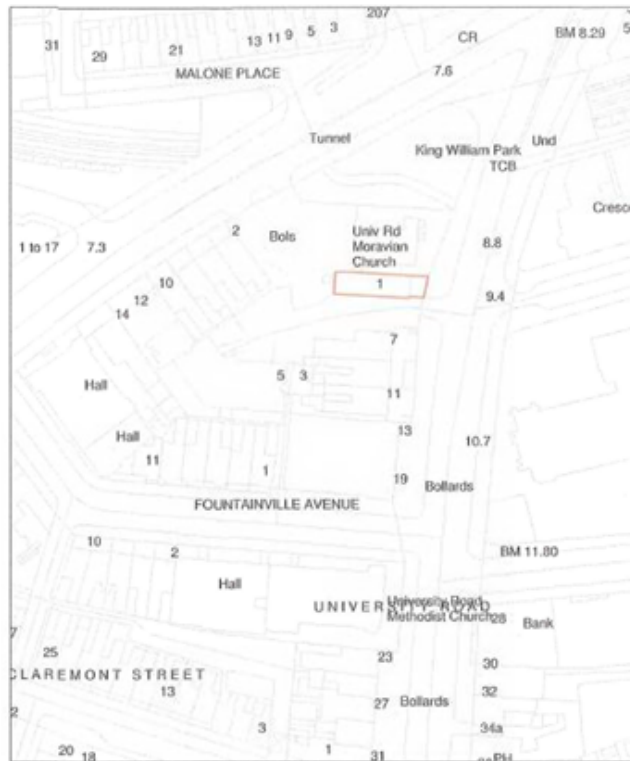


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 11 April 2017	Item Number:
Application ID: LA04/2017/0210/F	
Proposal: Change of use from retail to café/bistro for the preparation and sale of hot food or drink, for consumption on the premises but to include take away facilities; new odour extraction flue on rear elevation.	Location: 1 University Road Belfast BT7 1NA
Referral Route: Hot Food Bar (partial take-away element)	
Recommendation:	Approval
Applicant Name and Address: Yhenme Blankney 83 Sanhill Park Belfast BT5 6DS	Agent Name and Address: C60 Limited 393a Lisburn Road Belfast BT9 7EW
<p>Executive Summary:</p> <p>Full planning permission is sought for a change of use from retail to café/bistro for the preparation and sale of hot food or drink, for consumption on the premises but to include take away facilities; new odour extraction flue on rear elevation.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of restaurant/take-away 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 complies with relevant policy and guidance. The principle of a restaurant with take away facilities 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>Recommendation:</p> <p>It is recommended that the delegated authority is given to the Director of Planning & Place to approve the application with conditions with the final framing and wording of conditions to be delegated.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	<p>Description of Proposed Development</p> <p>The proposal is for the change of use from a retail outlet to a café/bistro for the preparation and sale of hot food or drink, primarily for consumption on the premises but to include take away facilities. It includes a new odour extraction flue on rear elevation.</p>
2.0	<p>Description of Site</p> <p>The site is located at no.1 University Road. It consists of a 3-storey detached building and falls within the Queens Conservation Area.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Relevant Planning History</p> <p>Z/1975/0946 - 1 UNIVERSITY ROAD - CHANGE OF USE TO RETAIL SHOP - PERMISSION GRANTED</p> <p>Z/1996/0904 - 1 UNIVERSITY ROAD - Replacement of travel agency, office and stores with fast food outlet, incorporating cafe and stores - PERMISSION GRANTED</p> <p>Z/2002/0734/A41 - 1 University Road - Change of use from hot food bar to retail stationery and copy shop - PERMITTED DEVELOPMENT</p>
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4.0	<p>Policy Framework</p>
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	Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement Development Control Advice Note (DCAN) 4: Restaurants, Cafes and Fast Food Outlets
5.0	Other Material Considerations Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.
6.0	Statutory Consultees Transport NI – No objection NI Water – No objection subject to condition (see below)
7.0	Non-Statutory Consultee Responses BCC - Environmental Health Department – No objection subject to conditions and informatives (see below)
8.0	Representations - None
9.0	Assessment
9.1	<u>Proposal</u> The proposal is for the change of use from a retail outlet to a café/bistro for the preparation and sale of hot food or drink, primarily for consumption on the premises but is also to include take away facilities. There are no proposed changes to the external physical fabric of the building other than the installation of an odour extraction flue on the rear elevation. The proposed floor plans show a servery/seating area and rear kitchen on the ground floor, more seating and toilets on the first floor and a store/staff facilities on the second floor.
9.2	<u>Site</u> The site is located at no.1 University Road. It consists of a 3-storey detached building and falls within the Queens Conservation Area. The site is adjacent to the Moravian Church to the north and the Crescent Arts Centre/Crescent Church to the east across University Road. Adjacent to the south of the site is a laneway leading to a rear car park. Beyond this is a 3-storey block of 3no.terraced properties which include a hairdressing salon, a back packers' hostel and offices. To the rear/east of the site is a car park and laneway leading to the Lisburn Road and the gable end of an apartment block.
9.3	<u>Consideration</u> The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • The principle of a café/bistro with take away facilities at this location; • Impact on amenity of neighbouring properties; • Impact on traffic flow;
9.4	From Google street view it is apparent that the property has been used as a pizza shop from 2015 and before this was in use as a stationary shop (University Graphics) for a number of years. Application Z/2002/0734/A41 was for "Change of use from hot food bar

	to retail stationery and copy shop” and was approved as permitted development. The proposed change is use would therefore be from Class A1: Shops to sui generis use “for the sale of hot food or drink for consumption on the premises or of hot food for consumption off the premises.”
9.5	As above, there are a mixture of uses in the area. The site lies along a popular area frequented by students of the nearby Queens University. It is also near the local bars and restaurants in Shaftesbury Square. It is therefore considered that a hot food bistro (with facilities for take away food) would not be out of character in the area and would add to the vitality of the area.
9.6	<p>The SPPS refers to Economic Development, Industry and Commerce and Regional Strategic Objectives listed include (para 6.82):</p> <ul style="list-style-type: none"> • <i>support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;</i> • <i>promote mixed-use development and improve integration between transport, economic development and other land uses, including housing;</i> <p>The proposal is not contrary to these objectives.</p>
9.7	<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.
9.8	<p>The Council’s Environmental Health Unit was consulted its response was as follows:</p> <p><i>“The Environmental Health Service has examined the plans submitted in support of the above detached development which is situated in a mainly commercial area with residential apartments located to the rear.</i></p> <p><i>“This response considers the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations.</i></p> <p><i>“It is noted from the submitted C60 Architects and Town Planners Drawing No 07 – Proposed Elevations (Belfast City Council Drawing No: 06) that the proposed odour abatement system extract terminates 1m above the eaves height of the main building at the rear.”</i></p>
9.9	EHU have provided conditions relating to the installation and maintenance of the odour abatement system and a restriction on opening hours to between 7am and 11pm. With the installation of the proposed odour abatement system it is considered that nearby residents will not be adversely affected by the proposal.
9.10	<p>Transport NI was consulted and have no objection to the proposal.</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. Prior to operation, 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 be installed in accordance with Belfast City Council Drawing Number 06, dated 19/1/17 (C60 Architects and Town Planners Drawing No 07 – Proposed Elevations) and shall be retained thereafter.

Reason: In the interests of public health.

3. 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: To ensure the proper functioning of the odour abatement system.

4. The use hereby permitted shall not be operational between the hours of 23.00hrs and 07.00hrs.

Reason: In the interests of residential amenity.

Informatives

1. Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

2. Existing premises already connected to public sewerage system.

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

4. CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011

The applicant is advised to ensure that all plant and equipment used in connection with the café is so situated, operated and maintained as to prevent the transmission of noise to nearby commercial premises.

5. LITTER (NI) ORDER 1994

The applicant for the proposed development should ensure appropriate arrangements are in place to keep the immediate vicinity of the proposed development clear of litter generated as a result of activities associated with the proposed operations.

Representations for Elected Representatives:

None

Notification to Department (if relevant): N/A
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ANNEX	
Date Valid	02 February 2017
Date First Advertised	09 February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 2 Lisburn Road, Malone Lower, Malone Lower, Belfast, Antrim, BT9 6AA, The Owner/Occupier, 2A Lisburn Road, Malone Lower, Malone Lower, Belfast, Antrim, BT9 6AA, The Owner/Occupier, Crescent Church Centre, 7 University Road, Malone Lower, Belfast, Antrim, BT7 1NA, The Owner/Occupier, University Road Moravian Church, University Road, Malone Lower, Belfast, Antrim, BT7 1NA,</p>	
Date of Last Neighbour Notification	13 February 2017
Date of EIA Determination	N/A
ES Requested	No