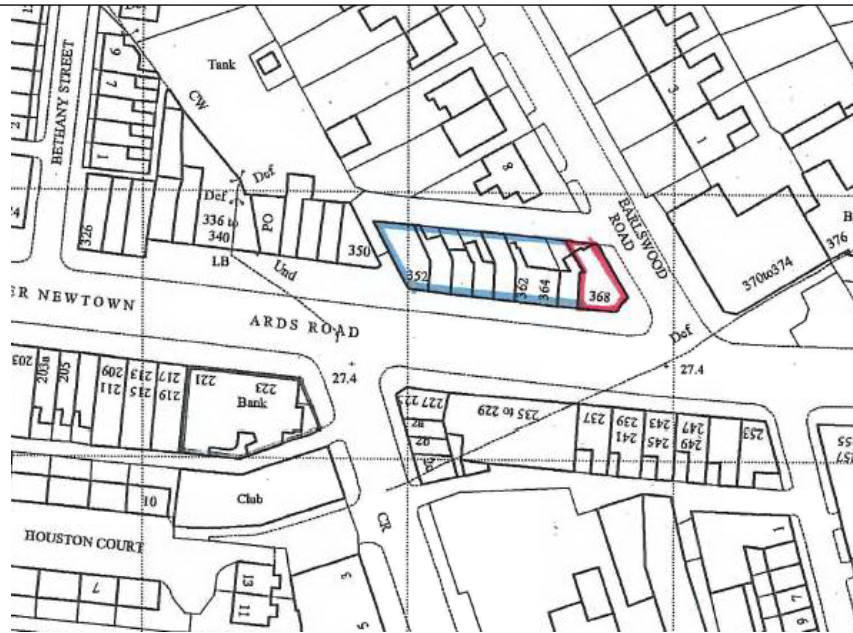


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 16 May 2017	
Application ID: LA04/2017/0362/F	
Proposal: Change of use from retail to hot food bar with elevation alterations and rear extraction flue.	Location: 368 Upper Newtownards Road Belfast BT4 3EX
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: Rev Lord Eames & Dr MCA Gibson 87-89 Victoria Street Belfast BT1 4PB	Agent Name and Address: Noteman McKee Architects 60 Malone Road Belfast BT9 5BT
<p>Executive Summary:</p> <p>Full planning permission is sought for the change of use from retail to hot food bar with elevation alterations and rear extraction flue.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of 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. It falls within a Commercial Node/Area of Parking Constraint (AR03/12), the Belmont Area of Townscape Character and along arterial route.</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 take away 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>Three representations have been received.</p> <p>Recommendation</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	<p>Description of Proposed Development</p> <p>The proposal is for a change of use from retail to hot food bar with elevation alterations and rear extraction flue.</p>
2.0	<p>Description of Site</p> <p>The site is located at no.368 Upper Newtownards Road. It consists of a 2-storey end terrace property on the corner of the Earlswood Road. The site is presently in use as a news agent/confectionary shop. It falls within a Commercial Node/Area of Parking Constraint (AR03/12), the Belmont Area of Townscape Character and along arterial route.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Relevant Planning History</p> <p>None</p>
4.0	<p>Policy Framework</p> <p>Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement</p>
5.0	<p>Other Material Considerations</p> <p>Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.</p>

6.0	<p>Statutory Consultees</p> <p>Transport NI – No objection subject to informatives NI Water – No objection subject to informatives</p>
7.0	<p>Non-Statutory Consultee Responses</p> <p>BCC - Environmental Health Department – No objection subject to a condition and informatives</p>
8.0	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. Three comments have been received, one from a resident of no.8 Earlswood Road, one from no.7 Earlswood Road and one from Belfast City Cllr Dr Georgina Milne, representing a number of residents on Earlswood Road.</p> <p>8.1 A summary of the issues raised is as follows:</p> <ul style="list-style-type: none"> • Unable to view plans online • Odour issues - The impact of the rear extraction flue in close proximity to residential property • The proposal would bring a hot food bar into a residential area. • Planning History – Planning approval for a hot food bar opposite the site was refused (Z/2007/0894/F) • Water and sewerage – odour from drains opposite the site which could be worsened by the proposal • Traffic/Parking – Parking is a problem in the Ballyhackamore area which will be exacerbated by the proposal • Retail space – There is already a proliferation of food and restaurant outlets in the area and the proposal would lead to a saturation of stores with non-retail use and would represent a loss of retail space in the area. • Noise disturbance would disrupt the residents in the vicinity of the property. • Litter – Concern about adequate collection and storage of waste. <p>8.2 These issues will be dealt with in the assessment below.</p>
9.0	<p>Assessment</p>
9.1	<p><u>Proposal</u></p> <p>The proposal is for the change of use from a news agents (Class A1: Shops) to the sale of hot food for consumption off the premises. Also proposed is a new door opening to the front elevation, a widening of the front ground floor window opening and the installation of an odour extraction flue on the rear elevation.</p> <p><u>Site</u></p> <p>9.2 The site is located at no.368 Upper Newtownards Road. It consists of a 2-storey end terrace property on the corner of the Earlswood Road and is presently in use as a news agent/confectionary shop. It falls within a Commercial Node/Area of Parking Constraint, the Belmont Area of Townscape Character and along arterial route.</p> <p>9.3 The site forms part of the commercial/mixed use development in Ballyhackamore.</p>

	<p>Adjacent uses include: a hair/male grooming salon, a fruit and veg shop, a chip shop, a bakery and a charity shop. Uses opposite include a building society, a Chinese take away, a florist and a restaurant.</p> <p><u>Consideration</u></p>
9.4	<p>The key issues in the assessment of the proposed development include:</p> <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; <p><u>Take Away at Proposed Location</u></p>
9.5	<p>As above, there are a mixture of uses in the area. The site lies along a popular commercial part of Ballyhackamore. It is also close to a variety of retail outlets, bars and restaurants. It is therefore considered that a hot food bar would not be out of character in the area and would in fact add to the vitality of the area.</p>
9.6	<p>The SPPS refers to Economic Development, Industry and Commerce and Regional Strategic Objectives listed include (para 6.82):</p> <p><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>
9.7	<p>The proposal is not contrary to these objectives.</p>
9.8	<p>A comment was made that the proposal will introduce a hot food bar into a residential area. As above, the site fronts onto the Upper Newtownards Road at a location of mixed use where a hot food bar would not be out of character. While the side of the building is along the Earlswood Road it is not considered that it forms part of this residential area. R</p> <p><u>Odour/Noise/Litter Issues</u></p>
9.9	<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;
9.10	<p>The Council's Environmental Health Unit was consulted about the proposed development in terms of noise, light, air pollution, general amenity, ambient air quality and contaminated land. It has no objection to the proposal subject to a condition relating to the installation and maintenance of the odour abatement system as shown in the drawing provided. It also requested the inclusion of an informative relating to the Updated Air Quality Action Plan for Belfast.</p>
9.11	<p>With the installation of the proposed odour abatement system it is considered that nearby residents will not be adversely affected by the proposal. It is noted in the representation from a resident at no.8 Earlswood Road that they had concerns about alterations to the elevation but were unable to view the plans on the planning portal. A copy of the</p>

	proposed rear elevation has been sent along with an explanatory letter regarding the odour extraction unit and how it is considered that this will alleviate any potential odour issues.
9.12	With regard to potential littering in the area, it shall be conditioned that adequate waste receptacles be installed inside and outside of the premises during operating hours. The installation of a grease trap is required by NI Water which should prevent any additional local drainage issues.
9.13	It shall be conditioned that opening hours are restricted in the interests of residential amenity.
9.14	<u>Traffic/Parking</u> Transport NI was consulted with regard to the proposal and its impact on local traffic and parking amenity of local residents. It responded that it had no objection to the proposal subject to informatives. It is therefore considered that the proposed change of use will not adversely affect local parking or traffic conditions.
9.15	<u>Loss of Retail</u> While it is accepted that there is a considerable number of restaurants and fast-food outlets in the Ballyhackamore area it is not considered that this proliferation has a negative impact on the area. On the contrary, Ballyhackamore is regarded as a popular area for dining and fast food and the economic argument of supply and demand is that where there is a business opportunity for a new outlet that it can only be sustained if the demand remains.
9.16	Reference was made to an application Z/2007/0894/F – hot food bar at unit 6 Earlswood House. This was refused as it was not demonstrated the proposal would not impact on residential amenity, being adjacent to No 1 Earlswood Road. It should be noted these properties are side by side, both fronting Earlswood Road, which is acknowledged to be a residential street, where as the proposed Hot food unit fronts the busy commercial Upper Newtownards Road.
9.17	BMAP retail policy refers to retail development along arterial routes and gives guidance on what is considered acceptable. While guidance does not relate to the retention of retail in local centres it is the case that future retail development at the site would not be stopped by the proposal as a planning application to revert to retail use could always be submitted.
9.18	<u>ATC</u> As regards the site falling within the Belmont Area of Townscape Character, as there are only minor alterations to the front elevation it is not considered that the proposal will impact upon the character of the area.
9.19	<u>Conclusion</u> 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.
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. 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 Drawing No.02A, date stamped 09 March 2017. 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 interest of public health.

3. The development shall not be operational between the hours of 23.00hrs and 07.00hrs.

Reason: In the interests of residential amenity.

4. 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. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.
2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
3. All construction plant and materials shall be stored off the adopted carriageway.
4. The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
5. This development requires the installation of a grease trap.
6. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

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 residential accommodation.

Should any unforeseen ground contamination be encountered during the development, 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 should be prepared and submitted for appraisal.

THE ENVIRONMENT (NORTHERN IRELAND) ORDER 2002

The applicant and future applicants are advised that the proposed development is located within the Upper Newtownards Road Air Quality Management Area as provided for by Article 12 of the Environment Order (Northern Ireland) 2002. The levels of nitrogen dioxide exceed or are predicted to exceed Air Quality Strategy health-based objectives as prescribed by government.

Belfast City Council in conjunction with government Departments have recently developed an Updated Air Quality Action Plan for Belfast in order to improve air quality across the city in general and at this location.

Measures may be required within the Upper Newtownards Road Air Quality Management Area in order to improve air quality at this location. Accordingly, the applicant and future occupants are advised that the area may be subject to air quality control measures as part of the ongoing air quality management process.

ANNEX	
Date Valid	16 February 2017
Date First Advertised	24 March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 229 Upper Newtownards Road, Ballycloghan, Down, BT4 3JF The Owner/Occupier, 229-235, Upper Newtownards Road, Ballycloghan, Down, BT4 3JF The Owner/Occupier, 237 Upper Newtownards Road, Ballycloghan, Down, BT4 3JF The Owner/Occupier, 239 Upper Newtownards Road, Ballycloghan, Down, BT4 3JF The Owner/Occupier, 366 Upper Newtownards Road, Strandtown, Down, BT4 3EX The Owner/Occupier, 370 Upper Newtownards Road, Strandtown, Down, BT4 3EY The Owner/Occupier, 8 Earlswood Road, Strandtown, Belfast, Down, BT4 3DY</p>	
Date of Last Neighbour Notification	15 March 2017
Date of EIA Determination	N/A
ES Requested	No
Representations for Elected Representatives: None	
Notification to Department (if relevant): N/A	