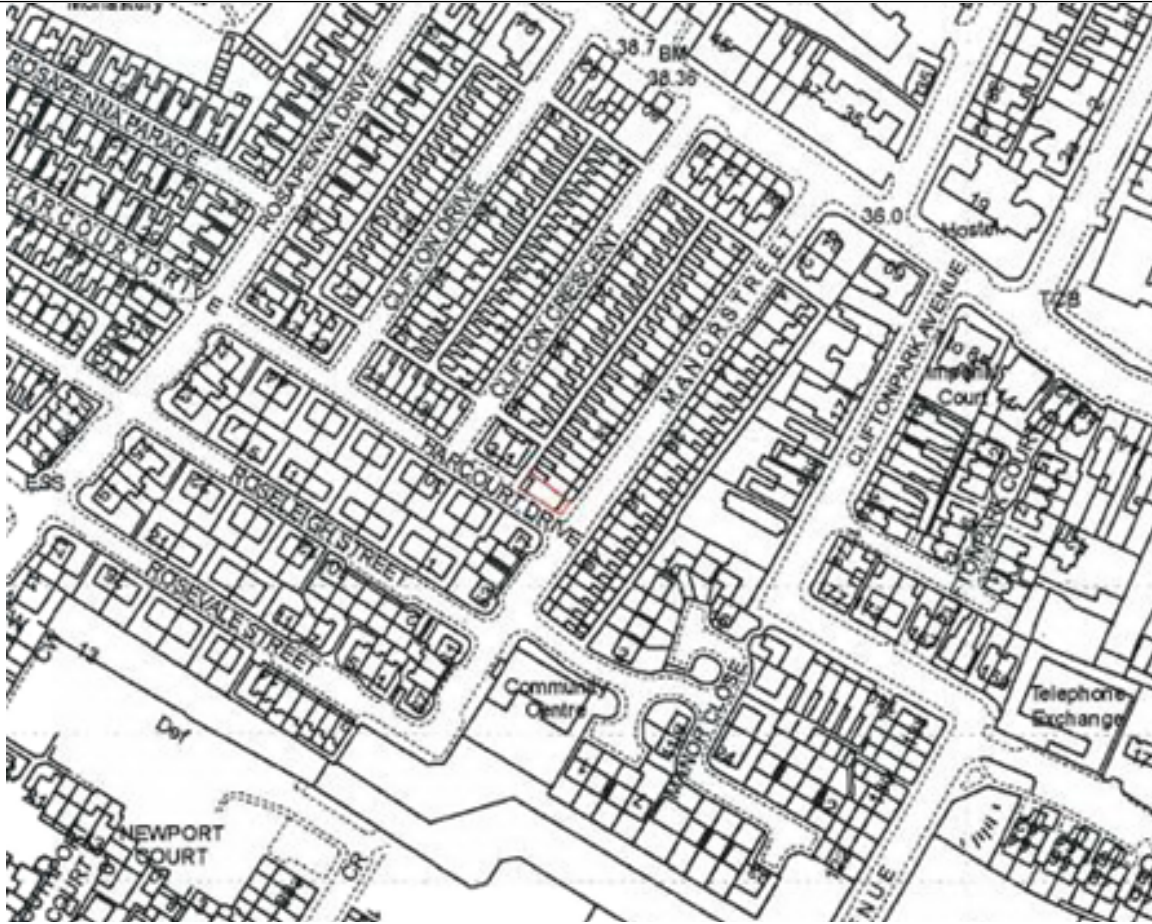


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 16 May 2017	
Application ID: LA04/2016/0006/F	
Proposal: Change of use to ground floor from shop to hot food takeaway	Location: 45 Manor Street Belfast BT14 6LF
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: M & M 01-107 Camlough Road Bessbrook Newry	Agent Name and Address: Gray Design Ltd Colin Dalton 5 Edward Street Newry BT35 6AN
<p>Executive Summary:</p> <p>Full planning permission is sought for the change of use of the ground floor from a shop to a hot food takeaway</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 and within the Lower Cliftonville Area of Townscape Character</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 or impact on the ATC 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 Description of Proposed Development

The proposal is for a change of use of the ground floor to a hot food takeaway.

2.0 Description of Site

The site is located at no.45 Manor Street, off Cliftonville Road in North Belfast. It consists of a 2.5 storey end terrace former dwelling. Currently the property is vacant with the ground floor being fitted with a shop front and shutters and the upper floors previously in use as stores. The site falls within the Belfast Development and within the Lower Cliftonville Area of Townscape Character as designated in the Belfast Metropolitan Area Plan 2015 (BT041).

Planning Assessment of Policy and other Material Considerations

3.0 Relevant Planning History

Z/2007/0407/F - 45 Manor Street - Extension and renovations to existing shop at ground floor and extension and alterations to first and second floor to form 4 no. bed sit units -

	PERMISSION REFUSED - 25.09.2007
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>
8.1	<p>The application has been neighbour notified and advertised in the local press. 15no. objections been received. A summary of the issued raised is as follows:</p> <ul style="list-style-type: none"> • The use of a takeaway is inappropriate in a residential location • The proposal is contrary to the SPPS with regard to protecting residential amenity • The proposal is contrary to DCAN 4 due to unacceptable adverse impacts such as noise, smells, general nuisance in terms of littering, loitering outside premises leading to antisocial behaviour • Adverse impact on traffic and inadequate access parking
8.2	<p>These issues will be dealt with in the assessment below.</p>
9.0	<p>Assessment</p>
9.1	<p><u>Site</u></p> <p>The site is located at no.45 Manor Street, off Cliftonville Road in North Belfast. It consists of a 2.5 storey end terrace former dwelling. Currently the property is vacant with the ground floor being fitted with a shop front and shutters and the upper floors in poor repair. The area is predominantly residential. A community centre is located further along Manor Street to the south east.</p>
9.2	<p><u>Proposal</u></p> <p>The proposal is for a change of use of the ground floor to a hot food takeaway. The only planning history for the site relates to a refusal in 2007 for “Extension and renovations to existing shop at ground floor and extension and alterations to first and second floor to form 4 no. bed sit units.”</p>

	<p><u>Consideration</u></p>
9.3	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of a hot food take-away at this location; • Impact on amenity of neighbouring properties; • Impact on traffic flow;
9.4	<p>As the site is predominantly residential and as 15no. objections have been submitted by local residents close consideration must be given to the proposed use of the site as a hot food take-away. There is no commercial use in the area so the change of use would be out of character. However, regard must be taken of relevant policy in assessing the proposal.</p> <p><u>SPPS</u></p>
9.5	<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> <p><u>Potential Noise and Odour Issues</u></p>
9.6	<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.
9.7	<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. Originally it responded advising that note had been taken of the objections received and that it required the submission of a Noise Impact Report for further consideration. On submission of this report it was reconulted and it advised that noise impact mitigation measures would reduce any adverse noise impact and requested a condition relating to the provision of a 100mm stud partition between the site and the adjoining property.</p>
9.8	<p>As regards potential odours affecting nearby residents, EHU was satisfied that an odour extraction unit as shown in the submitted plans would direct odours away to an acceptable level so that nearby residents will not be adversely affected by the proposal.</p>
9.9	<p>EHU also requested conditions relating to restricted opening hours and the provision of waste bins inside and outside the premises during operating hours.</p> <p><u>Impact on Traffic and Parking</u></p>
9.10	<p>Transport NI was consulted about the proposal and its potential impact on traffic and</p>

<p>9.11</p> <p>9.12</p> <p>9.13</p>	<p>parking in the area. It requested a parking survey to demonstrate available capacity to serve the development on-street within the vicinity of the area. Following the submission two reports, TNI responded that the survey submitted demonstrated sufficient spare capacity/availability of on-street parking within the vicinity to accommodate the requirements of the development during its peak periods of parking demand.</p> <p><u>PAC Appeal Decision 2016/A0014 – 26 Beechfield Street</u></p> <p>Of material consideration to this assessment is the PAC decision to allow an appeal against a refusal of a similar application. Application LA04/2015/0290/F related to a change of use of the ground floor to a hot food takeaway at no.26 Beechfield Street, Belfast, originally refused due to adverse impact on the residential amenity of local residents. The Appeal site is similar to the current application as it is an end terrace property in a residential area with on-street parking.</p> <p>The PAC found that conditions imposed relating to odour abatement, opening hour restriction and to mitigate unacceptable levels of noise would be enough to reduce adverse effects of the proposal on nearby residents. It also noted that adequately serviced and maintained receptacles would be sufficient to prevent a litter nuisance. Additionally, a lack of evidence to support concerns over traffic and parking issues combined with TNI's lack of objection meant that any unacceptable impact in this regard was not sustained.</p> <p><u>Conclusion</u></p> <p>Based on the above, the proposed change of use to a hot food takeaway is considered on balance to be acceptable and in accordance with prevailing policy and the recent PAC decision. It is therefore recommend for approval.</p>
Neighbour Notification Checked: Yes	
Summary of Recommendation: Approval Subject to Conditions	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. A three stage extraction ventilation system should be installed, effectively managed and maintained and shall include a proprietary gauze filter, an electrostatic precipitator and a chemical odour neutraliser, as stated in Planning Drawing No.0.3B, date stamped 10 March 2017. Any outlet from extraction and ventilation ducting shall terminate at a height not less than 1m above the roof line at the rear of the building, as also stated in Planning Drawing No.03B.</p> <p>Reason: In the interests of human health</p> <p>3. Operating hours for the business shall be restricted to between 12pm-9pm daily, Sunday to Thursday and 12pm to 11pm Friday to Saturday.</p> <p>Reason: In the interests of residential amenity.</p>	

4. To prevent the build-up of litter the applicant must have a management procedure in place to ensure that the external area will be checked and cleaned as necessary.

Reason: In the interest of human health.

5. The internal separating wall between the proposed hot food bar and 47 Manor Street is to include a 100 mm stud partition to ensure sound insulation between the two properties.

Reason: To protect residential premises directly adjoining and other nearby premises from excess noise created by the development.

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 North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH. 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. This development requires the installation of a grease trap.

ANNEX	
Date Valid	16 December 2015
Date First Advertised	11 January 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Harcourt Drive, Town Parks, Belfast, Antrim, BT14 6GR, The Owner/Occupier, 20, Manor Close, Belfast, Antrim, Northern Ireland, BT14 6DJ The Owner/Occupier, 4, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6EA The Owner/Occupier, 28, Harcourt Drive, Belfast, Antrim, Northern Ireland, BT14 6GR The Owner/Occupier, 34, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6EA The Owner/Occupier, 37, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6DU The Owner/Occupier, 40, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6EA The Owner/Occupier, 42 Manor Street, Town Parks, Belfast, Antrim, BT14 6EA, The Owner/Occupier, 43 Manor Street, Town Parks, Belfast, Antrim, BT14 6DU, The Owner/Occupier, 47 Manor Street, Town Parks, Belfast, Antrim, BT14 6GE, The Owner/Occupier, 5, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6DU The Owner/Occupier, 53, Manor Street, Belfast, Antrim, Northern Ireland, BT14 6GE Cliftonville Community Regeneration Forum, 185 Cliftonpark Avenue, Belfast, BT14 6DT</p>	
Date of Last Neighbour Notification	13 January 2016
Date of EIA Determination	N/A
ES Requested	No
Representations for Elected Representatives: None	
Notification to Department (if relevant): N/A	