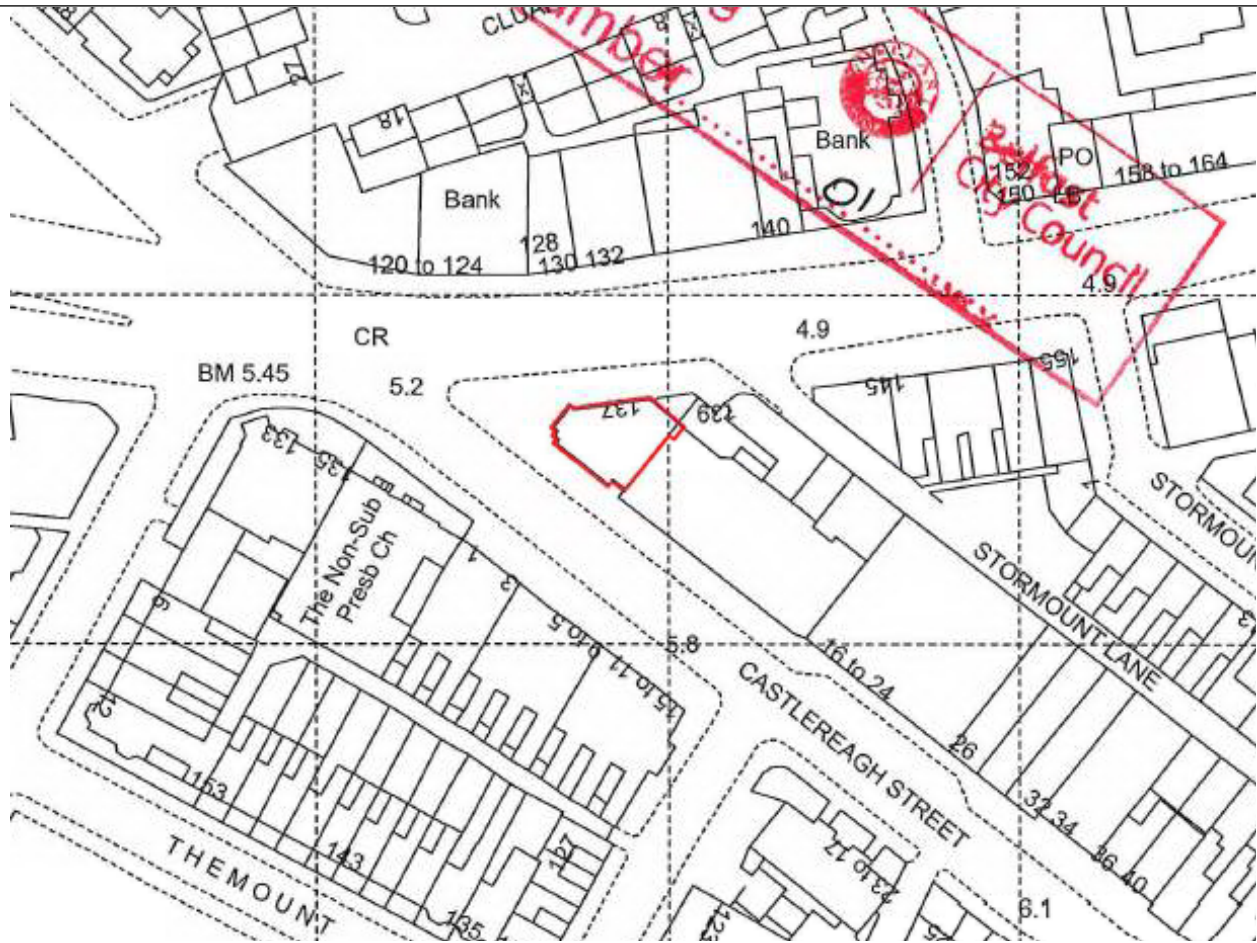


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 May 2017	
Application ID: LA04/2016/2276/F	
Proposal: Proposed conversion and change of use from vacant bookmakers / licensed public house (sui generis) premises to ground floor hot food bar (sui generis) and first/second floor apartments (4 units) including alterations and minor extension.	Location: Lands at 137 Albertbridge Road Belfast BT5 4LY
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: Leap Property Investments Ltd 34/36 Alfred Street Belfast BT2 8EP	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<p>Executive Summary:</p> <p>This application seeks full planning permission for the change of use from a betting office to hot food bar (Sui Generis) and 4no. Residential apartments above. The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a hot food bar and 4.no residential apartments at this location; • Compatibility of the proposed uses with one another; • Impact on the commercial node and area of parking restraint; • Character of the area. <p>No representations have been received.</p> <p>Consultees Transport NI had no objections.</p> <p>The proposal complies with Development Plan and relevant policy and guidance.</p> <p>Environmental Health was consulted and has no objections to the proposal. Environmental Health recommended the use of conditions to mitigate issues of noise and odour.</p> <p>It is recommended that this application be approved with conditions.</p> <p>Delegation of final wording of conditions to the Director of Planning & Place is requested.</p>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Transport NI	No objection
Non Statutory	Environmental Health	No objection

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

<p>1.0</p>	<p>Description of Proposed Development</p> <p>The proposal is for full planning permission for change of use from a betting office to a hot food bar (Sui Generis) and 4 no. residential apartments. At first and second floor level an extension is proposed on the Albertbridge Road Frontage for bathrooms for two of the proposed apartments. The extensions are to be finished in sand coloured render. The facing brick is to remain unchanged. Windows are proposed in the same openings as per existing with surrounds painted grey. On the Albertbridge Road frontage at ground floor level windows, an access door and a roller door bin store are proposed. The extraction duct is for the proposed odour abatement system will exit the building from the roof.</p>
<p>2.0</p>	<p>Description of Site and Area</p> <p>The site is located at 137 Albertbridge Road. The site is a corner site which frontages on to Albertbridge Road, Castlereagh Street and Mountpottinger Road/approach from the City Centre.</p> <p>The site is currently vacant and was formerly used as a bookmakers with offices at first and second floor level. The proposal description states that the site was also a public house, however planning history shows no record of this.</p> <p>The building is three storey finished in facing brick with a flat roof. Windows are white uPVC with timber doors and roller shutters at ground floor level. The ground floor level brick work has been painted grey.</p> <p>The site is located within a designated Commercial Node/Area of Parking Restraint AR 02/10 Albertbridge Road/Castlereagh Street junction as designated by the Belfast Metropolitan Area Plan. The site sits on an intersection of two designated Arterial Routes AR 01/15 Castlereagh Street/Castlereagh Road and AR 01/016 Albertbridge Road. The Rapid Transit Route passes the site on the Albertbridge Road.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Site History</p> <p>3.1 Z/2000/0414/F - Relocation of entrance, new shopfront & refurbishment - Granted</p> <p>3.2 Z/2000/0415/A - Shop sign – Consent granted</p> <p>3.3 Z/1994/0342 - Construction of side entrance door – Granted</p> <p>3.4 Z/1988/0351 - Erection of dish antenna mounted on flat roof of three storey building - Granted</p> <p>3.5 Z/1987/1599 - Change of use to office accommodation (1st & 2nd floor level) – Granted</p> <p>3.6 Z/1987/0103 - Change of use to turf accountants office (Ground floor) – Granted</p>

	3.7 Z/1987/1441 - Shop sign – Consent granted
4.0	Policy Framework 4.0.1 Regional Development Strategy
4.1	4.1.1 Belfast Metropolitan Area Plan 2015
	4.1.2 Policy R 4 – Arterial Routes and Local Centres
	4.1.3 Policy Tran 1 – Parking Standards within areas of Parking Restraint
4.2	<p>4.2.1 Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development</p> <p>4.2.2 Planning Policy Statement 3: Access, Movement and Parking</p> <p>4.2.3 Planning Policy Statement 7: Quality Residential Environments</p> <p>4.2.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas</p> <p>4.2.5 Planning Policy Statements 12: Housing in Settlements</p> <p>4.2.6 Creating Places</p> <p>4.2.7 Development Control Advice Note (DCAN) 4 – Restaurants, Cafes and Fast Food Outlets</p> <p>4.2.8 Development Control Advice Note (DCAN) 8 – Housing in existing Urban Areas</p>
5.0	Assessment
5.1	The proposal is considered to be in compliance with the development plan.
5.2	<p>5.2.1 The key issues are the effect of the proposal upon the Commercial node, impact on the amenity of neighbouring residents, and character of the area.</p> <p>5.2.2 As the site is located within a designated Commercial Node/Area of Parking Restraint on an arterial route, Policy R4 of the Belfast Metropolitan Area Plan 2015 is a material consideration. The bookmakers and public house, which it is noted that there is no planning history for, has been vacant and the proposed change of use would bring into use unused floor space in the designated shopping and commercial area. Policy R4 is silent in relation to hot food takeaway use and residential use, however the proposal is considered acceptable in the commercial node and would not have an adverse impact on the vitality and viability of the commercial node and the surrounding shopping and commercial area. The residential amenity, traffic movement and road safety in the area will not be detrimentally impacted upon by the proposal (Transport NI have no objections).</p> <p>5.2.3 As the site is located within a designated Commercial Node/Area of Parking Restraint on an arterial route, Policy Trans 1 of the Belfast Metropolitan Area Plan 2015 is a material consideration. The site is located at the intersection of two Arterial Routes both served by public transport with the Rapid Transit Route also coming into effect in September 2018. Bicycle storage has also been facilitated for the apartments. Transport NI has considered the proposal, the previous commercial use of the site, its location within a Commercial Node on an Arterial Route and deemed it to be acceptable and in compliance with Planning Policy Statement 3: Access, Movement and Parking.</p> <p>5.2.4 The SPPS supersedes Planning Policy Statements 1: General Principles, 5: Retailing and Town Centres and 9: The Enforcement of Planning Control. Transitional arrangements are in place that all remaining Planning Policy Statements apply until a Plan Strategy for the whole Council area is adopted.</p>

5.2.5 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.

5.2.6 The proposal is considered under policy QD 1 – Quality in Residential Development of Planning Policy Statement 7 – Quality Residential Environments;

- (a) The development respects the surrounding context and is appropriate to the character of the area in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surface areas;
- (b) The proposal complies with criterion (b) in that it protects and integrates with the built heritage of the area in which it lies;
- (c) In terms of Criterion (c) bin storage and bicycle storage has been provided for the apartments on the ground floor. Approximately 22.5m² of private amenity provision has been provided for in the form of a bicycle store/laundry area and a bin store. Although this is below the recommended minimum standard, considering what provision has been provided and the context of the site being located at an arterial route intersection, the site is within walking distance of several parks/open spaces including;
 - Bridge Community Park – 2 min walk
 - Lagan Towpath – 5 min walk
 - Comber Greenway – 10 min walk
 - Ormeau Park – 11 min walk.

On balance, considering the close proximity of four park/open space areas and the close proximity of public transport including bus and train, it is considered that in this context an exception to the policy in terms of amenity provision can be made.

- (d) Criterion (d) does not apply in this instance as the proposal is for a change of use ;
- (e) In terms of Criterion (e) as the site is located at an intersection of two arterial routes, Belfast Rapid Transit route and provision for bicycle storage has been included the proposal supports walking, cycling and adequate and convenient access to public transport;
- (f) In terms of access, traffic and parking Transport NI were consulted and have no objections to the proposal.
- (g) The proposal is keeping with the materials and finishes of neighbouring properties and those within the area;
- (h) The proposed apartments does not conflict with the adjacent land use as to the south east of the site is a vacant site and no windows are proposed in this elevation. Windows outlook on to the main roads, Albertbridge Road, Castlereagh Street and Mountpottinger Road and therefore there is no adverse impact resulting from this proposal;
- (i) Criterion (i) defensible space has for the apartments access has been provided for.

5.2.7 The proposal is considered under Policy LC2 – The Conversion or Change of Use of Existing Buildings to Flats or Apartments of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas;

- (a) The proposal will not adversely affect the local character, environmental quality or residential amenity of the surrounding area;
- (b) The proposal maintains the form, character and architectural features, design and setting of the existing building;
- (c) The original property is greater than 150m² gross internal floor space;

- (d) Each of the 4 no. apartments are self-contained;
- (e) All of the 4 no. apartments proposed have outlook on to the main roads, Albertbridge Road, Castlereagh Street and Mountpottinger Road. None of the apartment are wholly located to the rear and all are accessed via an entrance located on the Castlereagh Street side of the building.

The proposal complies with criterion of policy LC2. The proposal seeks to regenerate and bring back into use a vacant building located on a busy intersections of two arterial routes and is sustainable at this location.

5.2.8 As the proposal includes an extension at first and second floor level policy EXT1 of the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations. The extension is of a small scale and is of an acceptable massing, design and external finishes. The extension is to be located on the Albertbridge Road side of the building and the windows will be obscure glazed.

5.2.9 In terms of Development Control Advice Note 4 a number of factors need to be considered in terms of noise disturbance, smells and fumes, refuse and litter, traffic considerations and car parking and provision for people with disabilities.

5.2.10 Noise Disturbance

DCAN 4 refers to various sources of noise disturbance in terms of vehicles, people and associated equipment with catering facilities. Environmental Health has recommended the attachment of conditions to mitigate against the impact on amenity of prospective occupants by noise. Environmental Health has recommended a number of conditions including, the requirement of the applicant to submit the sound pressure level/noise ratings prior to installation, construction and mitigation measures as per Noise Impact Assessment submitted by the applicant to be implemented, opening hours and delivery hours conditions. This is in line with advice from DCAN 4 it is recommend that a condition to restrict the opening hours of the hot food bar be attached, which in turn will ensure the associated catering equipment will not be used at unsociable hours which will have a knock on effect of reducing noise disturbance from vehicles and people as the hot food bar will be closed.

5.2.11 Smell

The proposal includes an extraction unit and flue for the hot food bar. The flue intersects the residential accommodation proposed above. Following consideration the flue was relocated to the common landing of the first and second floor of the residential accommodation. This is an improvement from the original proposal which showed flue to go through two of the bedrooms of the apartments. BCC's Environmental Health Department were re-consulted with the proposal and recommended the attachment of conditions for the provision of an odour abatement system and are content that the potential issue of smell can be overcome by use of an odour abatement system as per the submitted plans. Environmental Health has considered the plans and the noise report and consider the proposal acceptable with the attachment of conditions to mitigate potential noise disruption to prospective occupants of the 4 no. apartments above the hot food bar.

5.2.12 Refuse and Litter

Provision for a bin store for hot food bar has been included within the proposal and is closed off with a roller door. A separate bin store has been provided for the 4 no. apartments. Environmental health has recommended the attachment of an informative that the applicant shall provide litter bins inside and outside the premises and ensure such receptacles are adequately serviced and maintained

5.2.13 Traffic considerations and car parking

As discussed at 5.2.2 of this report Transport NI were consulted and has no objection

	<p>to the proposal.</p> <p>5.2.14 Provision for people with disabilities The site has a level access with ramped access provided from the pavement to all of the units.</p> <p>5.2.15 Taking all factors into consideration on balance, the proposal is considered acceptable and planning permission is recommended with conditions. 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>
5.3	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons, as per Environmental Health's recommendations to protect the amenity of prospective occupants.</p>
6.0	<p>Summary of Recommendation: Approval</p> <p>Relevant planning policy fully considered. Commercial Node/Area of Parking Restraint considered. No objections to the proposal from consultees or neighbours. The amenity of nearby residents or prospective occupants will not be adversely affected by the proposal.</p>
7.0	<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. Prior to the installation of the plant and equipment associated with the proposed ground floor hot food bar the applicant shall submit to the planning service for approval the sound pressure level/noise ratings and location of all external plant and equipment associated with the proposed hot food bar and the sound level of the internal commercial kitchen ventilation system/ducting.</p> <p>Reason: Protection of Residential Amenity with respect to noise.</p> <p>3. Prior to the occupation of the proposed apartments and prior to operation of the proposed hot food bar, the applicant shall provide to Planning Service, for approval, a Noise and vibration Verification Report which demonstrates that:</p> <p>a) The noise and vibration construction and mitigation measures recommended in The Irwin Carr Consulting report titled "Noise Impact Assessment 137 Albertbridge Road, Belfast" dated 22 December 2016 Report No RP001 2016235 have been implemented to ensure recognised standards are met in relation to satisfactory internal noise levels within habitable rooms in all proposed apartments.</p> <p>b) That the entire window system (including frames, seals etc.) and ventilator units to the residential units have been so installed so as to ensure that internal noise levels within any proposed residential unit shall:</p> <ul style="list-style-type: none"> • Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;

- Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
 - Not exceed 45 dB L_{Amax} more than 10-15 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;
- c) The rating level (dBL_{Ar}) of the combined proposed external building plant does not have an adverse impact on the proposed apartments or nearest existing noise sensitive premises (for both day time and night time) with all sound measurements made in accordance with BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound.
- d) The internal commercial kitchen extractor flue shall be housed within a sound insulated fire duct as per drawing no 03a and shall be installed in a manner so that it does not result in a negative noise or vibration impact on the residential amenity of the proposed apartments.

Reason: Protection of Residential Amenity with respect to noise.

4. The proposed ground floor hot food bar shall not operate between 11pm and 7am.

Reason: Protection of Residential Amenity with respect to noise.

5. No commercial deliveries or collections shall take place to or from the ground floor hot food bar between 11pm and 7am.

Reason: Protection of Residential Amenity with respect to noise.

6. Prior to commencement of the operation of the proposed ground floor hot food bar a proprietary odour abatement system as per the recommendations of the Irwin Carr Consulting report titled "Odour Impact Assessment, Albertbridge Road, Belfast" Report no: Rp 001 2016177(Albertbridge Road) dated 13 October 2016 shall be installed to suppress and disperse odours created from cooking operations on the premises. The outlet from the 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 premises in accordance with stamped drawing no 03d.

Reason: Protection of Residential Amenity with respect to odour.

7. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance with condition 5 above.

Reason: Protection of Residential Amenity with respect to odour.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2011

	<p>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, vibration and odours to the proposed apartments and nearby residential premises</p> <p>4. In order to reduce the impact of odours and noise generated by the extraction and ventilation system, the applicant should consult relevant industry guidance, such as: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA (Department for Environment Food and Rural Affairs) in January 2005.</p> <p>5. 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 Transport NI 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.</p> <p>6. All construction plant and materials shall be stored within the curtilage of the site.</p> <p>7. The applicant's attention is drawn to:</p> <ul style="list-style-type: none"> i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and ii. the Code of Practice for Access for the Disabled to buildings. <p>8. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Divisional Planning Offices.</p>
<p>8.0</p>	<p>Notification to Department (if relevant)</p> <p>Not Applicable</p>
<p>9.0</p>	<p>Representations from Elected members: None</p>

ANNEX	
Date Valid	3rd November 2016
Date First Advertised	2nd December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 02,128 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 1-3,Castlereagh Street,Ballymacarret,Belfast,Down,BT5 4NE, The Owner/Occupier, 1-3,Castlereagh Street,Ballymacarret,Belfast,Down,BT5 4NE, The Owner/Occupier, 11-15,Castlereagh Street,Ballymacarret,Belfast,Down,BT5 4NE, The Owner/Occupier, 120 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 122 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 126-128,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 128 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 130-132,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 133-135 Bank House,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GP, The Owner/Occupier, 133-135 Bank House,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GP, The Owner/Occupier, 133-135 Bank House,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GP, The Owner/Occupier, 133-135 Bank House,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GP, The Owner/Occupier, 133-135 Bank House,Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GP, The Owner/Occupier, 134 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 136 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 138 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4GS, The Owner/Occupier, 139 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, 141 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, 5-9,Castlereagh Street,Ballymacarret,Belfast,Down,BT5 4NE, The Owner/Occupier, Bank House,133 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, Bank House,135 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, Bank House,135 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS,</p>	

<p>The Owner/Occupier, Bank House,135 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, Bank House,135 Albertbridge Road,Ballymacarret,Ballymacarret,Belfast,Down,BT5 4PS, The Owner/Occupier, Mount Pottinger Unitarian Church,Castlereagh Street,Ballymacarret,Belfast,Down,BT5 4NE,</p>	
Date of Last Neighbour Notification	18th November 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
<p>Drawing No. 01 Type: Site Location Map</p> <p>Drawing No. 02 Type: Existing Floor Plans & Elevation</p> <p>Drawing No. 03 Type: Proposed Floor Plans & Elevations</p>	