



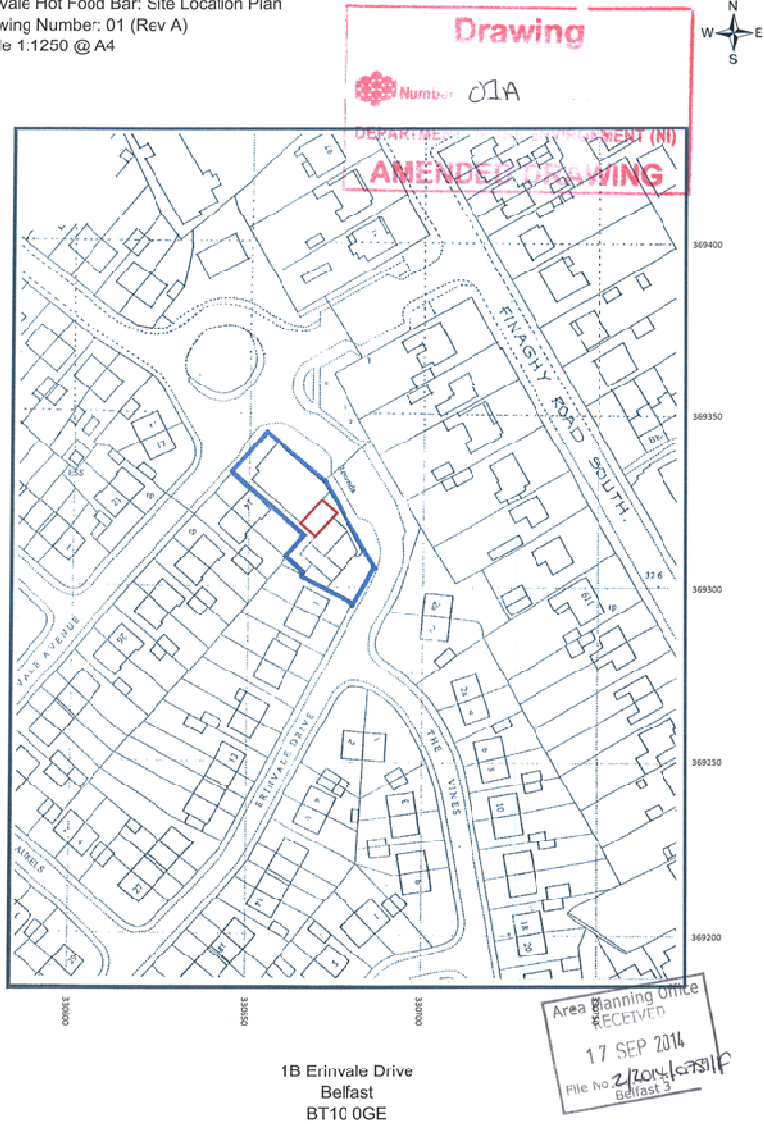
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: Z/2014/0759/F	Target Date:
Proposal: Change of use of 1B Erinvale Drive from vacant unit to hot food bar (substitution for approval Z/2013/1056/f at 1c Erinvale Drive)	Location: 1b Erinvale Drive Belfast BT10 0GE
Referral Route: All hot food bar applications to be referred to Committee	
Recommendation:	Approval
Applicant Name and Address: J and G McFarland and Baxter c/o agent	Agent Name and Address: Michael Burroughs Associates 33 Shore Road Holywood BT18 9HX
Executive Summary: This application seeks full planning permission for a change of use from a former barbers shop to a hot food bar. The applicant seeks to substitute this application for a previous approval, Z/2013/1056/F at 1c Erinvale Drive and have the previous approval revoked. The main issues to be considered in this case are: <ul style="list-style-type: none">• The principle of a hot food bar at this location;• Impact on residential amenity;• Revocation of previous approval Z/2013/1056/F. One representation was received from the occupier of 14 Erinvale Avenue raising concerns in regards to smell, noise and cumulative impact of three hot food bars. Consultees Transport NI had no objections. Environmental Health had no objections to the proposal but recommended the use of conditions to mitigate the issues of noise and smell. To avoid the potential cumulative impact on residential amenity and proliferation of hot food bars in this block of shops it is essential that the previous application Z/2013/1056/F be revoked prior to the issuing of any decision. It is recommended that this application be approved with conditions in substitution for Z/2013/1056/F.	

Case Officer Report

Site Location Plan

Erinvale Hot Food Bar: Site Location Plan
 Drawing Number: 01 (Rev A)
 Scale 1:1250 @ A4



1B Erinvale Drive
 Belfast
 BT10 0GE

Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Non Statutory	NI Transport - Hydebank	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Issues to be considered

- The principle of a hot food bar at this location;
- Impact on residential amenity;
- Revocation of previous approval Z/2013/1056/F.

Characteristics of the Site and Area

Characteristics of site

The site is located at 1b Erinvale Drive, Belfast. The site is a vacant retail unit which forms part of a commercial block of five units. The unit was formerly used as a barbers. The Building is constructed of red brick with a slate roof. To the rear of the site is an alleyway which accommodates service use to the units in the block. The alleyway is bounded by a brick wall approximately 1.8m in height with a close boarded timber fence approximately a metre in height on top of this wall. To the front of the site is a lay by on both sides of the road which provides parking for those visiting the shop units.

Characteristics of Area

The site is located within a commercial strip within a predominantly residential area. The site is located between the Mace a convenience store and vacant unit formerly a beauticians. Other units include an existing hot food bar and hairdressers.

Description of proposal

The proposal is for a change of use from a vacant unit formerly a barber (Class A1) to a hot food bar (Sui Generis). The applicant seeks to substitute this application for a previous approval, Z/2013/1056/f at 1c Erinvale Drive granted for a hot food bar. The elevations are to remain unchanged. On the rear pitch of the roof an extraction duct is to be installed for an odour abatement system.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Belfast Metropolitan Area Plan (BMAP) 2015

Planning Policy Statement (PPS) 1 - General Principles

Planning Policy Statement (PPS) 3 – Access, Movement & Parking

Planning Policy Statement (PPS) 5 – Retailing and Town Centres

Development Control Advice Note (DCAN) 4 – Restaurants, Cafes and Fast Food Outlets

Development Control Advice Note (DCAN) 15 – Vehicular Access Standards

Parking Standards

One representation received from the occupier of no. 14 Erinvale Avenue, points raised included;

- Smell – Food odours
- Noise – Extractions fans
- Cumulative impact of three hot food bars

Planning History

Z/2004/2808/F – 1b Erinvale Drive, Belfast. Change of use to hot food bar – Refused.

Z/2008/1129/F – 1b Erinvale Drive, Belfast. Change of use to bookmakers office – Refused.
Allowed on appeal. Appeal 2008/A0204

Z/2013/1056/F - 1c Erinvale Drive - Change of use from beautician to hot food bar – Granted

21/02/2014

Assessment

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.

Noise Disturbance

DCAN 4 refers to various sources of noise disturbance in terms of vehicles, people and associated equipment with catering facilities. The objector highlighted noise disturbance from extractor fans. BCC's Environmental Health Department were consulted with the representation and recommended the attachment of conditions to mitigate against the impact on amenity by noise. In line with advice from DCAN 4 I would also 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.

Smell

BCC's Environmental Health Department were consulted with the objection 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 that would be conditioned. 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 should be directed away from nearby premises. Any system must be cleaned and maintained in accordance with the manufacturer's instructions.

Refuse and Litter

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

Traffic considerations and car parking

In respect of Planning Policy Statement 3 Access, Movement and Parking, Parking Standards and DCAN 15 Transport NI were consulted and has no objection to the proposal

Provision for people with disabilities

The site has a level access with ramped access provided from the pavement to all of the units.

The site 1b Erinvale Drive previously had a proposal for a Change of Use to a hot food bar Z/2004/2808/F refused on the basis of harm to the living conditions and residential amenity to the property at 14 Erinvale Avenue. Subsequently appeal 2008/A0204 for a change of use to a bookmakers on this unit 1b Erinvale Drive which was allowed. The appeal decision stated that 'in the absence of any demonstrable harm to the living conditions of nearby resident from the appeal proposal in respect of noise, nuisance and general disturbance'. Therefore in consideration of a previous application at 1c Erinvale Drive, Z/2013/1056/F a hot food bar was granted on the basis that Environmental Health raised no concerns in respect of residential amenity and considered that any impacts could be mitigated.

Considering this and Environmental Health's comments that the issues of noise and smell raised by the objector can be mitigated by conditions as previously stated. I would also recommend that the same condition in relation to opening hours be attached as per the approval to be revoked. Given that this is a residential area an opening hours condition should also be attached.

Whilst amenity issues can be addressed, approval of this proposal combined with the approval at 1c for a hot food bar would result in cumulative impact on residential amenity and proliferation of hot food bars at this location and impact upon viability of these local shops. Therefore the previous approval is required to be revoked to avoid these issues.

This proposal will only be granted planning permission on the basis that the planning permission granted at adjacent unit 1c Erinvale Drive for a Change of use from beautician to hot food bar granted under planning reference Z/2013/1056/F 21st February 2014 is revoked and this application granted in substitution of it with conditions.

It has been explained to the objectors Mr and Mrs Russell that the previous approval Z/2013/1056/F on 1c Erinvale Drive, Belfast granted last year will be revoked, otherwise this application would be recommended for refusal however with Environmental Health's response that any impacts can be mitigated by the attachment of conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Relevant planning policy, consultation responses and the relevant planning history of the site and the area, the issues raised by the objector can be fully addressed through the use of conditions and therefore the residential amenity of adjacent properties should not be affected by the proposal. Revocation of the previous approval will avoid cumulative impact on residential amenity and proliferation at this location.

Conditions/Reasons for Refusal:

Conditions

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

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 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.

Reason: Protection of human health and amenity due to noise and odours.

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

Reason: Protection of human health and amenity due to noise and odours.

4. The development hereby approved shall not be open to the public outside of the hours of 08:00 to 22:00 Monday to Sunday.

Reason: In the interests of residential amenity.

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. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011
Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Health and Environmental Services of 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

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.

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

4. GAS SAFETY (INSTALLATION AND USE) REGULATIONS (NI) 2004
Where gas appliances are to be installed there must be a fixed source of ventilation provided to ensure sufficient make-up air is available for the safe combustion of gas.

5. THE LITTER (NI) ORDER 1994
In order to prevent nuisance arising from litter the applicant shall provide litter bins inside and outside the premises and ensure such receptacles are adequately serviced and maintained.

Signature(s)

Date:

ANNEX	
Date Valid	4th June 2014
Date First Advertised	20th June 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Erinvale Drive, Ballyfinaghy, Belfast, Antrim, BT10 0GE, The Owner/Occupier, 107 Finaghy Road South Ballyfinaghy Belfast The Owner/Occupier, 109 Finaghy Road South Ballyfinaghy Belfast The Owner/Occupier, 111 Finaghy Road South Ballyfinaghy Belfast The Owner/Occupier, 113 Finaghy Road South Ballyfinaghy Belfast The Owner/Occupier, 115 Finaghy Road South, Ballyfinaghy, Belfast, Antrim, BT10 0BZ, Matthew Russell 14 Erinvale Avenue Ballyfinaghy Belfast The Owner/Occupier, 1A Erinvale Drive, Ballyfinaghy, Belfast, Antrim, BT10 0GE, The Owner/Occupier, 1D Erinvale Drive, Ballyfinaghy, Belfast, Antrim, BT10 0GE,</p>	
Date of Last Neighbour Notification	16th June 2014
Date of EIA Determination	-
ES Requested	No
Planning History	
<p>Ref ID: Z/2013/1452/LDP Proposal: Coffee shop ancillary to existing retail unit Address: 1a Erinvale Drive, Belfast, BT10 0GE, Decision: PG Decision Date:</p>	
<p>Ref ID: Z/2008/1129/F Proposal: Change of use from retail shop unit to bookmakers office. Address: 1b Erinvale Drive, Ballyfinaghy, Belfast, BT10 0GE Decision: Decision Date: 20.08.2008</p>	
<p>Ref ID: Z/2004/2808/F</p>	

Proposal: Change of use from vacant shop unit to hot food bar.
Address: 1b Erinvale Drive, Belfast. BT10 0GE
Decision:
Decision Date: 09.05.2005

Ref ID: Z/2011/0694/F
Proposal: Change of use from retail unit to amusement arcade
Address: 1b Erinvale Drive Belfast BT10 0GE,
Decision:
Decision Date: 30.01.2012

Ref ID: Z/2013/1056/F
Proposal: Change of use from beautician to hot food bar
Address: 1C Erinvale Drive, Belfast, BT10 0GE,
Decision: PG
Decision Date: 24.02.2014

Ref ID: Z/2003/0022/F
Proposal: Environmental upgrading of units. New pitched roof, new brick facing, access ramps and balustrading.
Address: Erinvale Retail Units (Shopping Centre), Erinvale Road, Finaghy, Belfast.
Decision:
Decision Date: 26.02.2003

Ref ID: Z/2014/0759/F
Proposal: Change of use of 1B Erinvale Drive from vacant unit to hot food bar (substitution for approval Z/2013/1056/f at 1c Erinvale Drive)
Address: 1b and 1c Erinvale Drive, Belfast, BT10 0GE,
Decision:
Decision Date:

Summary of Consultee Responses

Transport NI had no objections to the proposal. Environmental Health no objections with the attachment of conditions.

Drawing Numbers and Title

Drawing No. 01A
Type: Site Location Plan
Status: Submitted

Drawing No. 02
Type: Proposed Site Layout
Status: Submitted

Drawing No. 06
Type: Proposed Ground Floor Plan
Status: Submitted

Drawing No. 07
Type: Proposed Front and Rear Elevations
Status: Submitted

Drawing No. 08
Type: Proposed Side Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department: N/A