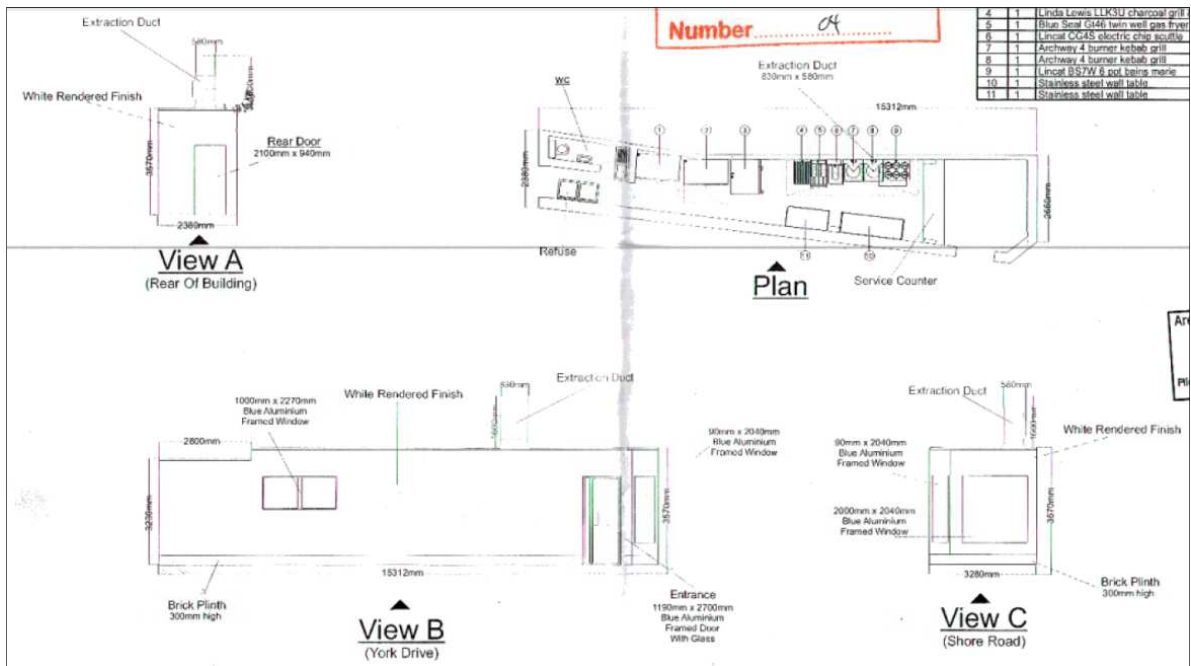
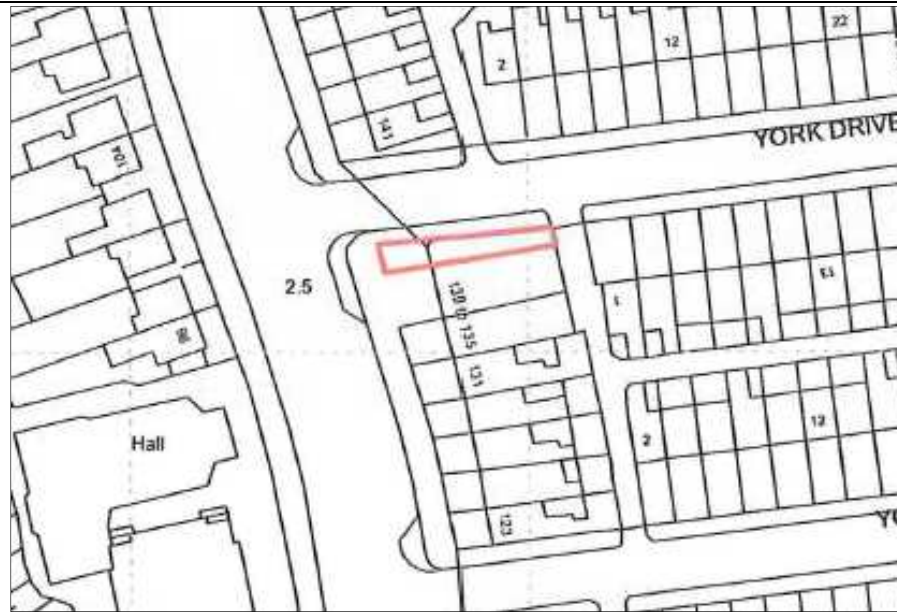


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 30 July 2015 | Item Number: 11 |
| Application ID: LA04/2015/0135/F | |
| Proposal: Retention of use a hot food takeaway | Location: 139 Shore Road Belfast BT15 3PN |
| Referral Route: Committee - proposal relates to hot food bar and this type of application is specifically excluded from delegation scheme. | |
| Recommendation: | Approval |
| Applicant Name and Address: Ben Najarian 38 Upper Road Greenisland BT38 8RL | Agent Name and Address: JWA Design 1 Bramble Grove Newtownabbey BT37 0GE |
| Executive Summary: The application seeks retrospective planning permission for change of use from retail unit to hot food takeaway: <ul style="list-style-type: none"> • The principle of hot food bar at this location; • Impact on neighbouring properties; • Impact on traffic flow; The principle of the hot food takeaway is considered acceptable. The existing hot food bar has operated for 2 years and has resulted in no nuisance complaints. The site is located within the development limits for Belfast and is located on an Arterial Route (AR 01/01) as designated in the Belfast Metropolitan Area Plan 2015. The proposal has been assessed against Planning Policy Statement 1: General Principles and Development Control Advice Note 4 (Restaurants, Cafes and Fast Food Outlets). Transport NI and Environmental Health have no objections subject to the inclusion of conditions and informatives. No representations have been received. It is recommended that the application is approved subject to conditions. | |

Case Officer Report

Site Location Plan



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

Summary of Issues

- Acceptability of the development on the character of the area and
- Impact of the neighbours

Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The proposal is for the retention of an existing hot food bar.

2.0 Description of Site

2.1 The site is a single storey flat roof unit finished in a painted rough cast render. It occupies a corner plot within a row of three units of similar styling. The site is fitted out as a hot food bar with a galvanised extractor flue fitted at roof level. One of the neighbouring units appears to remain in retail use (closed at time of inspection) and the other is operating as a taxi booking office. The surrounding area is in residential use defined mainly by two and three storey terrace dwellings. The site fronts onto a main arterial route into the city and side onto a residential street.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 Z/2013/0824/F – Retention of hot food takeaway – permission refused – lack of information supplied (parking survey)

3.2 Z/2008/1021/F – CoU from florists to hot food takeaway – permission refused – harmful to living conditions of neighbouring residents

3.3 2008/A0326 – appeal allowed and planning permission granted – CoU from florists to hot food takeaway

4.0 Policy Framework

4.1 Belfast Metropolitan Area Plan 2015

4.1.1 The site is zoned within the existing development limits with no other zoning and located on a main arterial route annotated AR01/01

4.2 Planning Policy Statements 1-24 specify

4.2.1 PPS 1 Paragraph 59 requirement for the proposal to be compliant with the land zoning within the area plan and to cause no unacceptable harm to areas of acknowledged importance.

5.0 Statutory Consultees Responses

5.1 None

6.0 Non Statutory Consultees Responses

6.1 BCC Environmental Health

6.2 TransportNI offered no objection with no conditions or informatives. Environmental Health offered no objection to the proposal subject to the inclusion of an opening hours condition and an odour abatement condition plus informatives.

7.0 Representations

7.1 None received

8.0 Other Material Considerations

8.1 Development Control Advise Note 4 – Restaurants, Cafes and Fast food Outlets – Proposals within Local Centres.

9.0 Assessment

9.1 The proposal is considered to be in compliance with the development plan.

9.1.1 The proposal is complies with PPS 1 and DCAN 4, the land use complies with the area plan and areas of acknowledged importance are not significantly impacted upon. Consultees have no objections subject to the inclusion of operating hours and odour abatement conditions with additional informatives. The scale and design are acceptable; no change to the shop front is proposed. The existing flue terminates 1.0m above roof level reducing the potential for odour impact on neighbouring properties.

The existing hot food bar was allowed on appeal for a period of two years to allow consideration of any impacts on neighbouring properties. An investigation by Environmental Health revealed that no complaints were made during the operating period of the hot food bar. Provision having being made to monitor the previous approval for impacts and none being reported I am content that in this case approval is correct recommendation.

TransportNI has no objection, it assessed a parking survey submitted by the applicant and it is satisfied that the parking on street is unlikely to have a significant impact on traffic and road safety.

9.2 Having regard to the policy context, previously appeal history and other material considerations the proposal is considered acceptable and planning permission is recommended subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions

Conditions

1. Permission is granted from the date of this decision under Section 55 of the Planning Act (NI) 2011

Reason: This is a retrospective application.

2. The premises shall only operate between the hours of 9.00am and Midnight.

Reason: Protection of residential amenity.

3. The proprietary odour abatement system shall be retained 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 dwellings.

Reason: Protection of residential amenity

Informatives

1. GAS SAFETY (INSTALLATION AND USE) REGULATION (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.

ANNEX

| | |
|--|-----------------|
| Date Valid | 21st April 2015 |
| Date First Advertised | 8th May 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner/Occupier, 1 York Drive Skegoneill Belfast</p> <p>The Owner/Occupier, 137 Shore Road Skegoneill Belfast</p> <p>The Owner/Occupier, 141 Shore Road Skegoneill Belfast</p> <p>The Owner/Occupier, 2 York Drive Skegoneill Belfast</p> <p>The Owner/Occupier, 4 York Drive Skegoneill Belfast</p> <p>The Owner/Occupier, 96 Shore Road, Skegoneill, Belfast, Antrim, BT15 3PN,</p> <p>The Owner/Occupier, 98 Shore Road, Skegoneill, Belfast, Antrim, BT15 3PN,</p> | |
| Date of Last Neighbour Notification | 7th May 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History | |
| <p>Ref ID: Z/1988/2428 Proposal: Change of use from shop to hot food take away Address: 139 SHORE ROAD BELFAST BT15 Decision: Decision Date:</p> <p>Ref ID: Z/1989/2076 Proposal: Change of use to Pizza take away Address: 139 SHORE ROAD, BELFAST BT15 Decision: Refused Decision Date: 11/03/1989</p> <p>Ref ID: Z/2008/1021/F Proposal: Change of use from florists to hot food take-away. Address: 139 Shore Road, Skegoneill, Belfast, BT15 3PN Decision: Refused Decision Date: 15.08.2008 Appeal Decision: Allowed (for 2 years) Decision Date: 22/12/2009</p> | |

Ref ID: Z/2013/0824/F
Proposal: Retention of use as hot food takeaway
Address: 139 Shore Road, Belfast, BT15 3PN,
Decision: Refused
Decision Date: 24.01.2014

Summary of Consultee Responses

No adverse comments

Drawing Numbers and Title

Drawing No. 01
Type: Site location map
Status: Submitted

Drawing No. 02
Type: Existing plans
Status: Submitted

Notification to Department (if relevant)

N/a: