

## Development Management Officer Report Committee Application

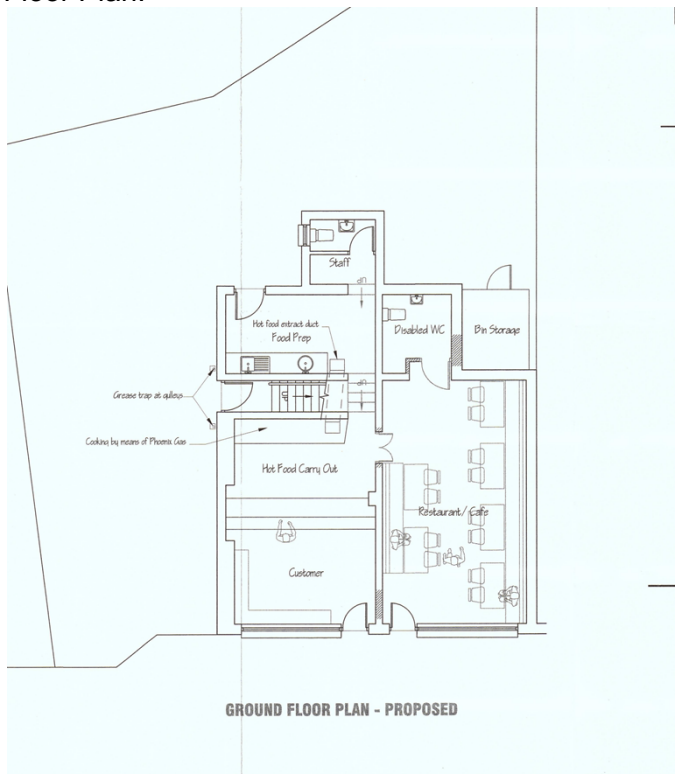
<b>Summary</b>	
<b>Committee Meeting Date:</b> 20/10/2015	<b>Item Number:</b>
<b>Application ID:</b> S/2014/0624/f	
<b>Proposal:</b> Change of use from Grocery store to restaurant and hot food carry out	<b>Location:</b> 185-187 Kingways Dunmurry
<b>Referral Route:</b>  Hot food takeaway	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Mr Raymond Davis c/o agent	<b>Agent Name and Address:</b> Noteman McKee Architects 60 Malone Road Belfast BT9 5BT
<p><b>Executive Summary:</b> The application is for a change of use from grocery to restaurant and hot food takeaway. The main issue is</p> <ul style="list-style-type: none"> <li>· The Impact of an additional hot food takeaway on the Dunmurry Local Centre and the Dunmurry Area of Townscape Character ATC</li> </ul> <p>The proposal has been assessed against BMAP; The Strategic Planning Policy Statement NI (SPPS); and Development Control Advice Note (DCAN) 4 - Restaurants, Cafes and Fast Food Outlets; and is compliant with relevant policy &amp; guidance.</p> <p>Consultees offered no objections to the scheme, subject to conditions.</p> <p>No representations were received</p> <p>Having had regard for the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved.</p>	

Case Officer Report

Site Location Plan:-



Floor Plan:-



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Transport - Hydebank	No Objection
Non Statutory	Water Management Unit	No Objection
Non Statutory	Env Health Belfast City Council	Substantive Response Received
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 signature		
Characteristics of the Site and Area		
1.0	<p>Description of Proposed Development</p> <p>This application is for a change of use from A1 retail unit to a 'restaurant and hot food takeaway', at number 185 -187 Kingsway. These two units have been amalgamated for a number of years, with the premises previously being used as a grocery shop.</p>	
2.0	<p>Description of Site</p> <p>The application site is operating as a cafe. The building is located at the end of a terrace. The adjoining building is occupied by a non residential use – a bank.</p> <p>This application site is situated on Kingsway, the main thoroughfare in Dunmurry which is designated as a 'protected' route and has a variety of local shops, financial services business uses and other uses including hot food takeaways.</p>	
Planning Assessment of Policy and other Material Considerations		
3.0	<p>Site History</p> <p>There is no planning history for either 185 or 187 Kingsway.</p>	
4.0	Policy Framework	
4.1	<p>Belfast Metropolitan Area Plan 2015</p> <p>Kingsway is designated as a 'Local Centre'. The site also falls within Dunmurry Area of Townscape Character (ATC) as designation ML10.</p>	
	4.1.1	Policy R4 Arterial Routes and Local Centres.
4.2	<p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Paragraph 6.276 states that Planning Authorities should retain 'local centres' as a focus for local everyday shopping and ensure their role is complimentary to the role and function of the town centre.</p> <p>Development Control Advice Note 4 Restaurants, Cafes and Fast food Outlets (DCAN 4) Sections 4.0 &amp; 5.0 authorities of relevant considerations in assessing applications for restaurant/hot food takeaways.</p>	
5.0	Assessment	

A 'Local Centre' is defined as providing accessible convenience and non-bulky comparison retailing close to where people live, and help to meet local needs and sustain communities. As such Policy R4 in BMAP, Arterial Routes and Local Centres is relevant. The policy sets out criteria as follows:

- 1) Acceptable amount of floor space for this type of development
- 2) The proposal meets a local need
- 3) The proposal would not adversely affect the vitality and viability of existing centres within the catchment area
- 4) The proposal would not alter the role and function of the centre
- 5) The proposal would not lead to a detrimental impact on the amenity of the area, traffic movement or road safety.

This proposal is in keeping with all elements of the above policy, with

- 1) Floorspace less than 500m<sup>2</sup>
- 2) Meets local need
- 3) Does not adversely affect the vitality and viability of the local centre
- 4) Doesn't alter the role or function of the centre
- 5) Doesn't have a detrimental impact on traffic movement or road safety.

DCAN 4 emphasises the importance that the retailing aspect of a local centre should not be compromised. Planning approval at this site will not have negative impact on local retailing.

Impact of an additional hot food takeaway on the Dunmurry Local Centre.

A survey of the local centre was undertaken. 33 ground floor commercial units in the local centre were recorded. Approximately 5 of these units appeared to be vacant. 18 of these fall within Class A1: Shops. Of the 15 remaining non retail premises 8 of these are hot food takeaways. Therefore 24% of commercial units within the local centre are operating as hot food takeaways.

Two recent appeal decisions regarding 'change of use to restaurant with hot food takeaway' and 'retrospective change of use of ground floor to restaurant with hot food takeaway' are considered to be material to this application. Appeal ref, 2014/A0170 by 'Little wing' 46-48 Stranmillis Road; for a 'change of use to restaurant use' was allowed. Appeal ref 2014/A0176 133 Stranmillis Road (The Chippie) was also allowed. Both appeals are relevant as Stranmillis Road is considered as a 'Local Centre' in PPS5 (now superseded by SPPS). In the 'Little Wing' appeal, the impact of a further restaurant on the character, vitality and viability of the Stranmillis Local Centre was rigorously assessed. A survey of 44 commercial units in the local centre was undertaken. 43% of these units were in retail use, leaving 57% non retail of which 50% are restaurant/cafes. Of these cafes/restaurants there were 9 ground floor restaurant/cafes and 4 takeaways which represent 30% of the total number of units. With the introduction of a further unit the figure would increase to 32%. The Planning Appeals Commission considered that the rise from 30% to 32% of restaurants/cafes at ground floor level does not represent a significant increase.

In Dunmurry, 24% of commercial units are hot food takeaways, with the introduction of a further hot food takeaway this would increase to 27%. In line with the PAC decision, this figure is not considered to be significant, or have a detrimental effect on the vitality or viability of the local centre in keeping with DCAN4.

Visual Amenity

Kingsway forms part of the Dunmurry ATC as such the proposal must not have a detrimental impact visually and the character of the ATC.

With regard to the frontage of the premises, a door on the right side unit is to be moved

	<p>west by 2m. The impact of this change is minimal with the scale of this proposal acceptable and the character of the building and surrounding area not harmed by changes proposed.</p> <p><b>Residential Amenity</b> The premises are not situated near any residential property so its potential to impact on residential amenity is not a consideration in determining the overall acceptability of this proposal. Nevertheless, the Environmental Health team was consulted to ensure occupants of nearby premises are not adversely affected in terms of noise, air pollution, general amenity, ambient air quality and other considerations. There is a 3 phase extraction system proposed at the rear on the roof of the property. Environmental Health considers the proposal acceptable subject to conditions to be attached if approval is granted. Environmental Health did not consider it necessary to attach a condition limiting opening hours as there are no residential properties nearby.</p> <p><b>Litter</b> There is a litter bin on the street approximately 20m from the application site and there is an adequate room for bin storage to the rear of the premises. The provision of such facilities is considered satisfactory.</p> <p><b>Traffic</b> With regard the impact on traffic TransportNI was consulted and had no objections. There is a lay-by outside the application site and a further lay-by across the road to facilitate parking.</p> <p>The proposal is considered to be in compliance with the development plan and supplementary planning guidance.</p>
	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable planning permission is recommended subject to conditions.</p>
5.3	<p>Summary of Recommendation: Approval</p>
6.0	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. Time Limit – commence development within 5 years.</li> <li>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 odour</li> <li>3. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer’s instructions to ensure compliance with condition 1 above. Reason: Protection of human health and amenity due to odour.</li> </ol>
7.0	<p>Notification to Department (if relevant) Not required</p>

8.0	Representations from Elected members None
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<b>ANNEX</b>	
<b>Date Valid</b>	16th September 2014
<b>Date First Advertised</b>	9th October 2014
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 183, Kingsway, Dunmurry, Antrim, BT17 9RY, The Owner/Occupier, 185 Kingsway, Dunmurry, Antrim, BT17 9RY, The Owner/Occupier, 191 Kingsway Dunmurry Antrim The Owner/Occupier, 194 Kingsway, Dunmurry, Antrim, BT17 9RY,	
<b>Date of Last Neighbour Notification</b>	6th October 2014
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: S/2014/0624/F Proposal: Change of use from Grocery store to restaurant and hot food carry out Address: 185-187 Kingways Dunmurry	