

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 17 November 2015	<b>Item Number:</b>
<b>Application ID:</b> LA04/2015/0481/F	
<b>Proposal:</b> Change of use from existing commercial/retail to hot food restaurant and take away	<b>Location:</b> 29-31 Dublin Road Belfast BT2 7HN
<b>Referral Route:</b> Hot Food Bar	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr J Willis 25 Aldergrange Park Newtownards BT23 4FZ	<b>Agent Name and Address:</b> Mr J Wylie 2 Meadowbank Jordanstown Newtownabbey BT37 0UP
<p><b>Executive Summary:</b></p> <p>Full planning permission is sought for a change of use from a retail unit to a hot food takeaway.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• The principle of a hot food use at this location;</li> <li>• Impact on amenity of neighbouring properties;</li> <li>• Impact on traffic flow;</li> </ul> <p>The site is located within the city centre development limits for Belfast as designated within the Belfast Metropolitan Area Plan 2015.</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 the hot food takeaway at this location is considered acceptable and the applicant does not propose any changes to the external fabric of the building therefore design issues do not arise.</p> <p>Transport NI and Environmental Health have no objection to the proposal subject to the inclusion of conditions and informatives.</p> <p>No representations were received.</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	<b>Description of Proposed Development</b>
1.1	Full planning permission is sought for a change of use from retail unit to a hot food restaurant and takeaway.
2.0	<b>Description of Site</b>
2.1	The site is two mid terrace retail units in a two storey row of commercial properties. The building is finished in a light brown brick with large glazed shop-fronts at ground floor level. The neighbouring properties within the terrace are operating as hot food sales, a pizzeria and a southern fried chicken restaurant / takeaway at ground floor and a Chinese restaurant above. The site is within the city centre location and has a mix of land uses surrounding; bars, a cinema, a hotel, food outlets and retail/office units.

<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Relevant Planning History</b>
	Z/2013/1216/F; 25-27 Dublin Road, Belfast - Proposed change of use to restaurant with hot food take-away facility and erection of flue to rear elevation  Z/2010/1260/F; Unit 1 33 Dublin Road Belfast - Change of use from shop/retail unit to hot food bar/takeaway
4.0	<b>Policy Framework</b>
4.1	Belfast Metropolitan Area Plan 2015
	<ul style="list-style-type: none"> <li>• CC 013 Shaftesbury Square Character Area</li> </ul>
4.2	Strategic Planning Policy Statement for Northern Ireland
5.0	<b>Other Material Considerations</b>
5.1	Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.
6.0	<b>Statutory Consultee Responses</b>
6.1	Transport NI – No objection subject to informatives.
7.0	<b>Non Statutory Consultee Responses</b>
7.1	BCC - Environmental Health Department – No objection subject to informatives
8.0	<b>Representations</b>
8.1	The application was advertised in the local press on 10 July 2015. Neighbours were notified on 19 June 2015 and 6 October 2015.  No representations were received.
9.0	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>• The principle of a hot food use at this location;</li> <li>• Impact on amenity of neighbouring properties;</li> <li>• Impact on traffic flow;</li> </ul>
9.2	The site is located within the City Centre limits of the city with no other zoning designations. Given that the area is characterised by a mixture of land uses the principle of a hot food use at this location is considered acceptable. The existing unit has been vacant since March 2014. A hot food use at this location will reintroduce activity at this location to an otherwise currently dead frontage.
9.3	DCAN 4 recognises that fast food outlets within the town centre complement the primary shopping function and are suited to this location. It continues to state that proliferation can be an issue that would be detrimental to the primary retail core or retail frontage. Significantly, this site is outside both these designations; proliferation in this instance is

	not an issue of concern.
9.4	<p>DCAN 4 refers to four general areas of concern for fast food outlets:</p> <ul style="list-style-type: none"> <li>• noise disturbance;</li> <li>• smells/fumes;</li> <li>• refuse/litter</li> <li>• traffic/parking; and,</li> <li>• provision for people with disabilities.</li> </ul>
9.5	<p>Environmental Health raised no significant concern regarding noise and nuisance. They acknowledged that neighbouring premises may be affected by noise/odours associated with activities in connection with the proposal. However, recommended conditions to be attached to any future planning permission. Whilst it is accepted that the proposal may affect the amenity of neighbouring premises, it is considered that the proposal will not cause an unacceptable degree of disturbance.</p> <p>Regarding traffic and parking Transport NI raised no objection to the proposal.</p>
9.6	<p>The applicant does not propose any changes to the external fabric of the building therefore design issues do not arise. The addition of a flue to the rear facade of the building will not impact greatly on the surrounding area. The flue will be located within a service alleyway for the terrace and a private adjoining car park, existing flues for the neighbouring food outlets are already in place along this rear facade.</p>
9.7	<p>Having regard to the relevant planning policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.</p>
Neighbour Notification Checked: Yes	
Summary of Recommendation: Approval Subject to Conditions	
<p><u>Conditions</u></p> <ol style="list-style-type: none"> <li>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: Time Limit.</p> <ol style="list-style-type: none"> <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.</li> </ol> <p>Reason: In the interest of neighbouring amenity</p> <p><u>Informatives</u></p> <p>The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance with condition 2 above.</p>	

## Clean Neighbourhoods And Environment Act NI 2011

### Contaminated Land

In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

### Noise/Odour

The applicant is advised to ensure that all plant and equipment associated with the business is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

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.

### 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.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

<b>ANNEX</b>	
<b>Date Valid</b>	10th June 2015
<b>Date First Advertised</b>	10th July 2015
<b>Date Last Advertised</b>	10 <sup>th</sup> July 2015
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 2 Bruce Street Malone Lower Belfast The Owner/Occupier, 25-27 Dublin Road Malone Lower The Owner/Occupier, 33 Dublin Road Malone Lower Belfast The Owner/Occupier, 4 Bruce Street Malone Lower Belfast	
<b>Date of Last Neighbour Notification</b>	6th October 2015
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Representations for Elected Representatives:</b>  None	
<b>Notification to Department (if relevant): N/A</b>	