

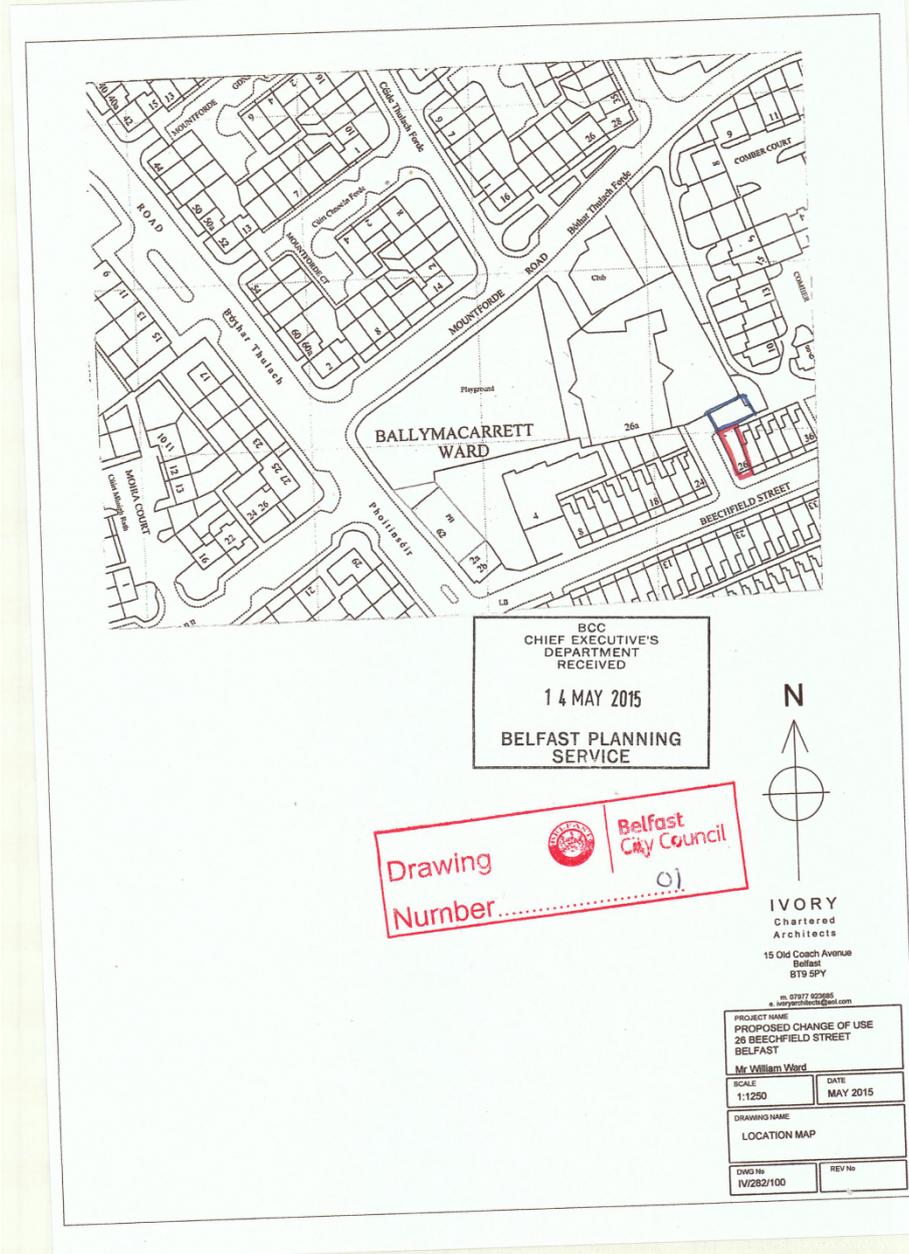
**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2015/0290/F	Target Date:
Proposal: Proposed change of use of ground floor from licenced off sales to hot food take away & cafe	Location: 26 Beechfield Street Belfast
Referral Route: The application is for Change of Use to hot food take away and cafe.	
Recommendation:	Refusal
Applicant Name and Address: Mr W Ward	Agent Name and Address: Ivory Architects 15 Old Coach Avenue Belfast BT9 5PY
Executive Summary: The application seeks full planning permission for the proposed change of use of the ground floor from a licenced off sales to hot food take away & cafe. The main issues to be considered in this case are: <ul style="list-style-type: none"> • Conflict with surrounding land use • Planning history • The change of use • The affect it would have on the residential amenity of the area through noise, odour, and parking <p>The site located at Beechfield Street is not affected by any BMAP designations. The proposal has been assessed against SPPS, and DCAN 4 – Restaurants, Cafes and Fast Food Outlets.</p> <p>Transport NI offered no objection to the proposal on road safety and traffic progression grounds, however advised that consideration should be given to any amenity aspects of parking in front of existing nearby properties and commercial premises. Belfast City Council Environmental Health advised that occupants of nearby premises may suffer intermittent disturbance and loss of amenity as a result of noise and cooking odours from plant and equipment associated with the proposal.</p> <p>There were no representations to this planning application.</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered to be contrary to paragraph 5.72, page 36 of SPPS and DCAN 4, in that the proposed development will cause demonstrable harm to residential amenity.</p> <p>The proposal is contrary to the SPPS and DCAN 4 in that if permitted the proposal would have a significant adverse effect on the residential neighbourhood, and amenity of nearby residents.</p>	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	No objection, planning to consider any amenity aspects of parking in front of existing nearby properties and commercial premises
Statutory	NI Water - Strategic Applications	No objection
Statutory	Rivers Agency	No objection
Non Statutory	Environmental Health Belfast City Council	Occupants of nearby premises may suffer intermittent disturbance and loss of amenity

		as a result of noise and cooking odours from plant and equipment associated with the proposal.
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Representations from Elected representatives	Requests for updates by Niall O Donnghaile through the Divisional Planning Manager.	
Characteristics of the Site and Area		
1.0	Description of Proposed Development	
	The proposal is for the change of use of the ground floor of 26 Beechfield Street from licensed off sales to a hot food take away and cafe. The change of Use under The Planning (Use Classes) Order (Northern Ireland) 2015 is from A1: Shops to Sui Generis.	
2.0	Description of Site	
	The two storey property which is currently vacant is located at the end of a traditional terrace row of residential houses. There is a short access road between 24 and 26 Beechfield Street leading to a community centre. Immediately to the rear of the property is a convenience store (under ownership of the application site). The front elevation of 26 Beechfield Street is rough cast render at ground floor incorporating a bow window, and red brick at first floor, with a two storey rear return and a single storey addition where historically a yard would have been located. There are no BMAP designations affecting this property.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
	<p>Z/1984/1120 - Change of use of the property from a store to off-licence and store – Approval</p> <p>Z/1988/0456 - Alterations to the existing shop and change of use from residential accommodation to stores – Approval</p> <p>Z/1991/0299 - Change of use from a shop to a public house including an extension, with the existing off-licence to remain – Approval</p> <p>Z/2012/0191/F Change of use from existing vacant first floor storage area into a single residential apartment. – Approval</p>	
4.0	Policy Framework	
4.1	Belfast Metropolitan Area Plan 2015	
	<ul style="list-style-type: none"> • Belfast Metropolitan Area Plan 2015, site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 – Access, Movement and Parking • Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets 	

	<ul style="list-style-type: none"> Development Control Advice Note 15 – Vehicular Access Standards
5.0	Statutory Consultee Responses
	<p>Transport NI – no objections NI Water – no objections Rivers Agency – no objections</p>
6.0	Non Statutory Consultee Responses
	<p>Environmental Health - Occupants of nearby premises may suffer intermittent disturbance and loss of amenity as a result of noise and cooking odours from plant and equipment associated with the proposal.</p>
7.0	Representations
	<p>The application has been neighbour notified and advertised in the local press.</p> <p>No representations were received.</p>
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	The proposal is located within the settlement development limits of Belfast and is not within any other BMAP designation.
9.2	The key issues affecting this planning application are: conflict with surrounding land use, planning history, the change of use, the affect it would have on the residential amenity of the area through noise and odour, and parking.
9.3	<p>Strategic Planning Policy Statement for Northern Ireland</p> <p>The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p>
9.4	<p>Land Use in the Vicinity</p> <p>The general vicinity of 26 Beechfield Street is predominantly residential however there are other land uses to the rear of Beechfield Street: Community Centre and convenience store.</p>
9.5	<p>PLANNING HISTORY</p> <p>From the planning history at 26 Beechfield Street a non residential use is deemed as acceptable. However in 2012 (Z/2012/0191/F) permission was granted for a change of use of the existing vacant first floor storage area into a single residential apartment. Therefore given the residential nature of the street and the permitted use of the first floor for an apartment, careful consideration needs to be given to the type of use permitted on the ground floor.</p>
9.6	CHANGE OF USE

	<p>The change of Use under The Planning (Use Classes) Order (Northern Ireland) 2015 is from A1: Shops to Sui Generis. The concept of a change of use to a hot food take away and cafe in a residential area must be assessed against residential amenity.</p>
9.7	<p>AMENITY - NOISE</p> <p>As stated in DCAN 4 established residential areas are sensitive to noise disturbance, especially where there are residential properties beside or over the proposed use. Noise associated with restaurants, cafés and fast food outlets emanates from a variety of sources, the main ones being: vehicles, customers/staff and equipment associated with a catering establishment. These sources of noise are especially noticeable in the late evening when residents have a legitimate expectation that surrounding background noise levels will remain low. In that respect, take-away uses, which often generate frequent vehicle and pedestrian movements, can be particularly annoying and unacceptable. Given the predominantly residential nature of this street there is an increased likelihood that customers will seek to park close to the premises, or in nearby residential streets. Although the previous use of the site was as an off-licence it could be argued that the amount of trade generated by a hot food establishment would be greatly increased, indeed the proposal in the ground floor includes a substantial seating area. As such the proposal would be detrimental to the living conditions of nearby residents. Belfast City Council Environmental Health were consulted regarding this planning application and is of the opinion that given the proximity of the proposal, occupants of nearby premises may suffer intermittent disturbance and loss of amenity as a result of noise and odours from plant and equipment associated with the proposal.</p>
9.8	<p>AMENITY – ODOUR</p> <p>As stated in DCAN 4 although nuisance caused by the unpleasant effects of smells and fumes emanating from food preparation areas can be considerably reduced by modern filtering and extraction equipment, residual odour often proves detrimental to residential amenity. Belfast City Council Environmental Health is of the opinion that given the proximity of the proposal, occupants of nearby premises may suffer intermittent disturbance and loss of amenity as a result of noise and odours from plant and equipment associated with the proposal. Although the previous use of the site was as an off-licence it would not have generated odours compared to that of a hot food establishment. A kitchen extract flue has been illustrated on the rear elevation and terminating at a height of not less than one metre above the eaves height of the main building and directed away from nearby properties.</p>
9.9	<p>AMENITY – LITTER</p> <p>As stated in DCAN 4 inadequacy of storage facilities for refuse can result in harm to visual amenity as well as serious risk to public health, and it is important to ensure that there is sufficient physical space for its accommodation. Proposals for restaurants, cafés and fast food outlets should therefore include adequate facilities on the premises for the storage/disposal of refuse generated by the business. Refuse should not be left outside the premises (except for collection purposes), but should be stored in containers within an enclosed area of the premises. Suitable access must also be provided for the collection of refuse. It is accepted in this proposal that the creation of a bin store beyond the kitchen would provide an enclosed space for refuse (drawing 03B), with a doorway onto the public street for collection purposes.</p>
9.10	<p>AMENITY – PARKING</p> <p>Transport NI was consulted regarding this planning application to ascertain the</p>

	<p>acceptability of parking arrangements in the vicinity of the proposed development. In accordance with Policy AMP 7 of PPS 3 it may also be acceptable for small-scale developments, which do not generate significant parking demand, to rely on using on-street parking for a proportion of their parking provision. In assessing these options evidence to demonstrate the capacity and availability of such alternative parking provision was sought through the submission of a Parking Survey. Transport NI deemed the parking survey to be adequate. However Belfast City Council is of the opinion that residential amenity would be negatively impacted by the trade associated with a hot food establishment in a residential area.</p>
9.11	<p>Having regard to the policy context and other material considerations above, the proposal is considered to be contrary to paragraph 5.72, page 36 of SPSS and DCAN 4, in that the proposed development will cause demonstrable harm to residential amenity in Beechfield Street.</p>
10.0	<p>Summary of Recommendation</p> <p>Refusal</p>
11.0	<p>Refusal Reason</p> <p>The proposal is contrary to the Strategic Planning Policy Statement for NI (SPPS) and Development Control Advice Note 4 in that if permitted the proposal would cause demonstrable harm to the adjoining residential properties in that it would unacceptably affect the amenity of residents by reason of noise, vibrations, odours, litter and potential for disturbance and antisocial behaviour.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representation from elected member: Requests for updates by Councillor Niall O Donnghaile through the Divisional Planning Manager.</p>

ANNEX	
Date Valid	14 May 2015
Date First Advertised	29 May 2015
Date Last Advertised	29 May 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 19 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 21 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 22 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EQ, The Owner/Occupier, 23 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 24 Beechfield Street Ballymacarret Belfast The Owner/Occupier, 25 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 26 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EQ, The Owner/Occupier, 26A Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 27 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 28 Beechfield Street Ballymacarret Belfast The Owner/Occupier, 29 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier, 30 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EQ, The Owner/Occupier, 31 Beechfield Street, Ballymacarret, Belfast, Down, BT5 4EP, The Owner/Occupier,</p>	
Date of Last Neighbour Notification	11 June 2015
Date of EIA Determination	N/A
ES Requested	N/A