

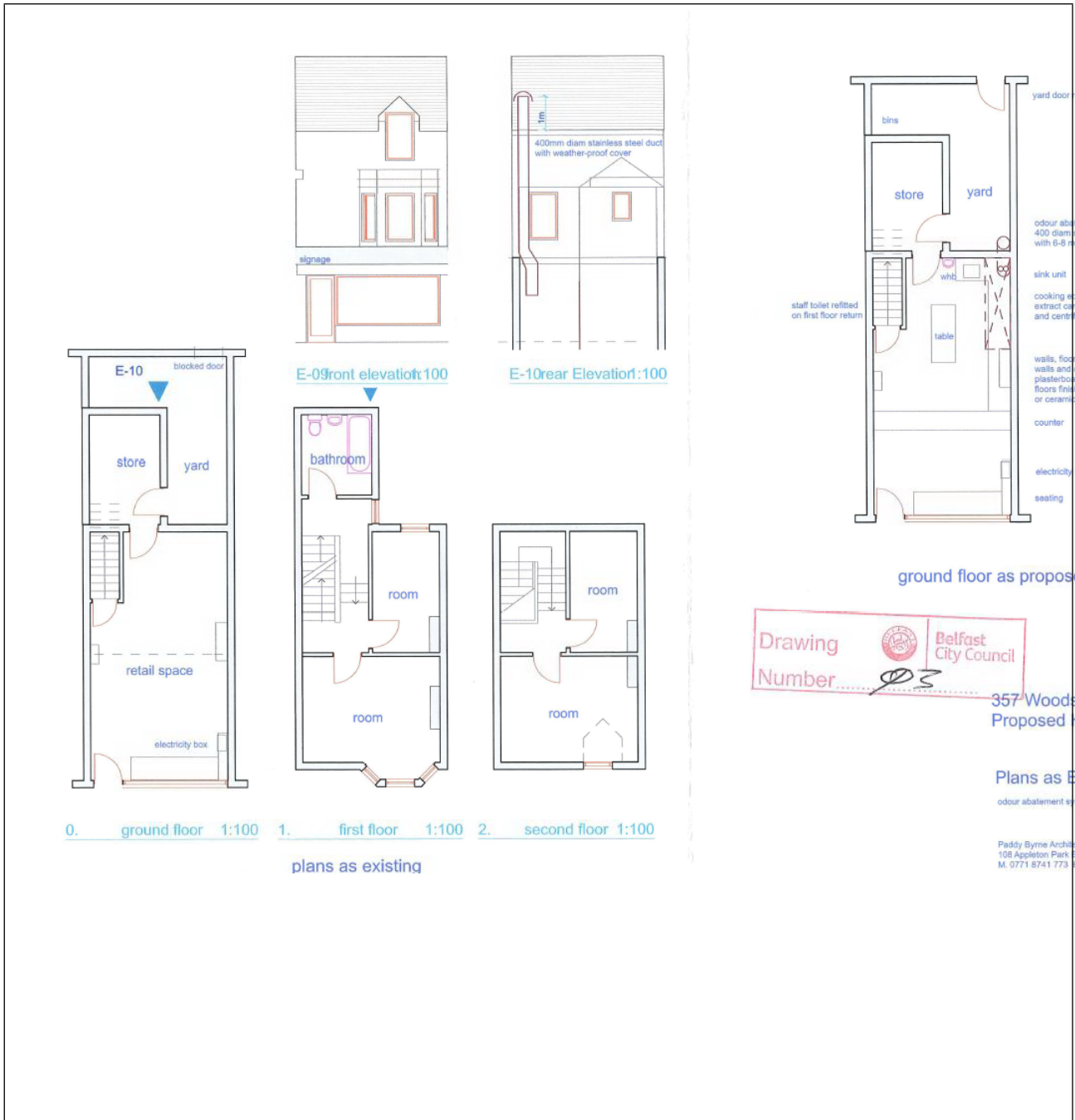
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 March 2016	
Application ID: LA04/2015/0554/F	
Proposal: Change of use from shop to hot food carry out with associated odour abatement flue.	Location: 357 Woodstock Road Belfast BT6 8PU
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: Mohamad Anwar 347 Newtownards Road Belfast BT4 1AJ	Agent Name and Address: Paddy Byrne Architect 108 Appleton Park Belfast BT11 9JF
<p>Executive Summary:</p> <p>This application seeks full planning permission for a change of use from retail to a hot food bar (Sui Generis). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a hot food bar at this location; • Impact on residential amenity and; • Impact on the Character of an Area of Townscape Character. <p>One third party representation has been received.</p> <p>Consultees Transport NI, Environmental Health, NIWater and NIEA have no objections.</p> <p>It is recommended that this application be approved with the attachment of conditions.</p>	

Case Officer Report

Site Location Plan and Existing / Proposed Plans





Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	No objections
Non Statutory	Env Health Belfast City Council	No objections
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	

Characteristics of the Site and Area	
<p>The application site is a vacant shop unit located at the ground floor of a two-and-a-half storey mid terrace building. This is finished in red brick to its upper floors and a shop front and shutter to ground. A rear yard can be accessed externally via a separate shared alley to the north side of the building. The upper floors of the site are currently in use as storage ancillary to the retail use of the premises.</p> <p>The immediate area is characterised by an eclectic mix of buildings, mostly in commercial use. The rows of terraced streets that run perpendicular to the Woodstock Rd are predominately residential. The terrace row that contains the application site also contains a hot food takeaway and retail.</p>	
1.0	<p>Description of Proposed Development The proposal is for change of use from retail to hot food takeaway. No external changes are proposed other than the installation of a ventilation flue to the rear.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History None relevant</p>
4.0	<p>Policy Framework Regional Development Strategy 2035</p>
4.1	<p>Area / Local Plan Belfast Metropolitan Area Plan 2015 is the area plan for Belfast (There is no official local plan yet available for this area). Woodstock Road ATC – BT 061 Arterial Route – AR 03/05 - Shopping / Commercial Area.</p>
4.2	<p>Regional Policy and associated guidance Strategic Planning Policy Statement for NI (SPPS) Addendum to PPS 6: Areas of Townscape Character. Development Control Advice Note 4: Restaurants, Cafes and Hot Food Outlets. A Design Guide for the Malone Conservation Area.</p>
4.3	<p>Other Constraints 4.3.1 None relevant.</p>
5.0	<p>Assessment</p>
5.1	<p>The proposal is considered to be in compliance with the development plan in that it is a proposal for a commercial use within a Shopping / Commercial zone.</p>
5.2	<p>5.2.1 The key issues are the effect of the proposal upon the amenity of neighbouring residents and the impact on the Woodstock ATC.</p> <p>5.2.2 A third party representation raised the following concerns:</p> <ul style="list-style-type: none"> • Proliferation of hot food outlets on the Woodstock Rd; • Impact on car parking; <p>These issues will be addressed in the following paragraphs.</p>

	<p>5.2.2 The SPPS supersedes Planning Policy Statements 1: General Principles, 5: Retailing and Town Centres and 9: The Enforcement of Planning Control. Transitional arrangements are in place that all remaining Planning Policy Statements apply until a Plan Strategy for the whole Council area is adopted.</p> <p>5.2.3 Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p> <p>5.2.4 Given the location of the site on within an ATC, the proposal falls to be assessed under Policy ATC 2 of the Addendum to PPS 6. The only operational development is the insertion of a flue to the rear. This will be hidden from public view and as such will not have any visual impact on the character of the ATC.</p> <p>5.2.5 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.</p> <p>5.2.6 Noise Disturbance DCAN 4 refers to various sources of noise disturbance in terms of vehicles, people and associated equipment with catering facilities. Environmental Health has considered the proposal and has no objection to the proposal.</p> <p>5.2.7 Smell BCC's Environmental Health Department were consulted with the proposal 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. Such is proposed and will be subject of a condition if approval is given.</p> <p>5.2.8 Traffic considerations and car parking TransportNI is the statutory consultee for the planning authority regarding proposals that may impact existing traffic / parking. They were consulted as part of the determination of this application and initially requested that the applicant carries out a parking survey. On receipt of this TransportNI confirmed that it is content with the proposal.</p> <p>5.2.9 The proposal will bring into use a currently vacant unit along a commercial frontage. The use as a hot food bar is deemed to be acceptable at this location. It is noted that there are several existing hot food bars and sit in restaurants in the area. The third party representation outlined 7 in the immediate vicinity. However, of these 4 sell hot food; one of which is a restaurant (No. 396) and another, at No.341 is no longer operating.</p> <p>5.2.10 Given the high volume of commercial units along the Woodstock Road, the addition of another hot food takeaway will not result in a proliferation of hot food bars to the extent that it will have the effect of changing the character of the area or; have a detrimental impact on the amenity of the area or the residential amenity of nearby dwelling houses.</p>
5.3	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.
6.0	Summary of Recommendation: Approval
7.0	Conditions.

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.

Reason: Time Limit.

2. Prior to the use hereby approved commencing, 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 shall terminate as detailed in stamped approved Drawing No.03, bearing the Council's date stamp 4 February 2016.

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

3. The extraction and ventilation system referred in Condition number 2 of this decision must be cleaned and maintained in accordance with manufacturer's instructions.

Reason: To ensure that the odour abatement system is maintained in a satisfactory working order.

4. No service collections or deliveries shall take place from/to the rear of the premises between 11pm and 7am.

Reason: In the interests of residential amenity.

Informatives:

1. The applicant is advised to ensure that all plant and equipment used in connection with the cafe unit is so situated, operated and maintained as to prevent the transmission of noise to nearby residential accommodation.
2. 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.
3. 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.

ANNEX	
Date Valid	29th June 2015
Date First Advertised	17th July 2015
Date Last Advertised	19th February 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 113 Greenore Street Ballymacarret Belfast The Owner/Occupier, 355 Woodstock Road, Ballymacarret, Belfast, Down, BT6 8PU, Ivor Carberry 355 Woodstock Road, Belfast, BT68PU The Owner/Occupier, 359 Woodstock Road Ballymacarret Belfast The Owner/Occupier, 362 Woodstock Road Ballymacarret Belfast The Owner/Occupier, 364 Woodstock Road Ballymacarret Belfast	
Date of Last Neighbour Notification	8th February 2016
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Drawing No. 03 Type: Plans as Existing and Proposed	