

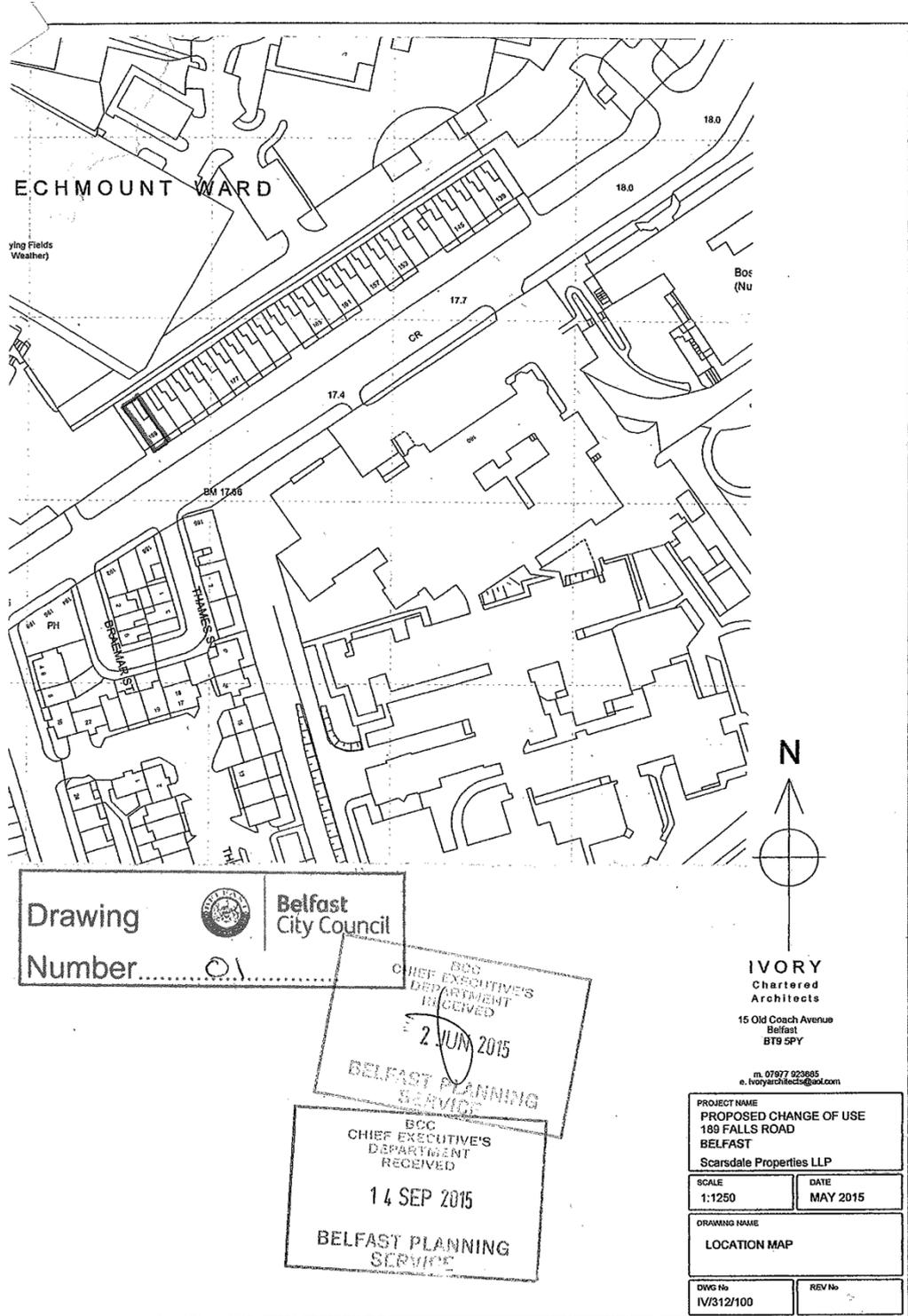
## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 March 2016	
<b>Application ID:</b> LA04/2015/1065/F	
<b>Proposal:</b> Change of use of ground floor café to hot food café & takeaway	<b>Location:</b> 189 Falls Road Belfast
<b>Referral Route:</b> Hot food cafe and takeaway	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Scarsdale Properties LLP	<b>Agent Name and Address:</b> Ivory Architects 15 Old Coach Avenue Belfast BT9 5PY
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for change of use of ground floor café to hot food café &amp; takeaway. The ground floor is currently vacant but last used as a cafe. There is a residential apartment above.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of a hot food bar at this location;</li> <li>• Impact on residential amenity.</li> <li>• Road safety</li> </ul> <p>Belfast Metropolitan Area Plan 2015 defines the site as within Falls/St Mary's Area of Townscape Character (BT 026), St Mary's Local Landscape Policy Area (BT 128). The Falls Road is also an arterial route (AR 03/08).</p> <p>One objection was received which highlighted the following issue:</p> <p>Concern that the proposal does not mention of trading times within the application and would be opposed to late night opening, for example, after 11pm.</p> <p>BCC Environmental Health has objected as the proposal would harm the residential amenity of the occupier of the apartment above the site through noise, nuisance, odour and general disturbance. Transport NI requested additional information should the application be going forward for approval.</p> <p>It is recommended that the application is refused for the reasons set out in the case officer report.</p>	



# Case Officer Report

## Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Change of use of ground floor café to hot food café & takeaway
<b>2.0</b>	<b>Description of Site</b> The site is located at 189 Falls Road at the end of a row of terrace dwellings and immediately adjacent and in front of the St Mary's University College. Belfast Metropolitan Area Plan 2015 defines the site as within Falls/St Mary's Area of Townscape Character (BT 026), St Mary's Local Landscape Policy Area (BT 128). The Falls Road is also an arterial route (AR 03/08). The existing is a vacant end terrace two and a half storey building. The ground floor appears to have been used as a coffee shop and the upper floors are residential accommodation. The building has a one and a half storey and single storey rear return. The site is undefined to the front whereas the rear boundary is defined by a mix of high red brick walls which relate to the St Mary's University College site. There is no vegetation on the site and the yard to the rear is enclosed. The area is mixed use with education, medical service (The Royal Hospital opposite as well as a dental practice), commercial and residential. The terrace row is mainly residential comprised of two storey dwellings finished in red brick.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> The only relevant planning history on the site is Z/2010/0035/F – Change of use from retail to ground floor coffee shop and external alterations – Permission granted 27/05/10
<b>4.0</b>	<b>Policy Framework</b> 4.1 Belfast Metropolitan Area Plan 2015 Falls/St Mary's Area of Townscape Character (BT 026) St Mary's Local Landscape Policy Area (BT 128) Falls Road Arterial Route (AR 03/08).  4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good design paras 4.23 – 4.30 4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.3.1 Policy AMP 1: Creating an Accessible Environment
<b>5.0</b>	<b>Statutory Consultees</b> 5.1 Transport NI – Unacceptable in its present form 5.2 Northern Ireland Water Ltd - No response to date
<b>6.0</b>	<b>Non Statutory Consultees</b> 6.1 BCC Environmental Health – Objection
<b>7.0</b>	<b>Representations</b> The application has been neighbour notified and advertised in the local press. One representation has been received.
<b>8.0</b>	<b>Other Material Considerations</b> 8.1 DCAN – Restaurants, Cafes and Fast Food Outlets 8.2 Parking Standards
<b>9.0</b>	<b>Assessment</b> 9.1 The site is located within Belfast's development limits as designated in Belfast Metropolitan Area Plan 2015. The site is within an ATC, LLPA and on an Arterial Route.

The proposal is for change of use of ground floor café to hot food café & takeaway.

9.2 The key issues are

- (a) Principle of hot food takeaway on the site
- (b) impact on residential amenity
- (c) Road safety

9.3 One representation was received from the adjacent dwelling at 187 Falls Road which raised the following issue:

- (a) No mention of proposed trading times within the application and would be opposed to late night opening, for example after 11pm.

Although trading times have not been stated these can be conditioned as part of any approval to minimise the risk of any impact on residential amenity.

9.4 The proposal relates to the ground floor and does not include any external changes with the exception of an extraction system which must be provided prior to the implementation of the proposal should it be approved. There is no car parking proposed. The reuse of the building would obviously be a visual improvement within the street scene. The current use is a coffee shop which is *suis generis*. The proposed use is also *suis generis* as per The Planning (Use Classes) Order (Northern Ireland) 2015.

9.5 DCAN 4

DCAN 4 advocates the provision of fast food outlets along radial routes subject to a series of considerations. It states that in assessing the impact of proposals for restaurants and hot food bars, a number of factors need to be taken into account i.e. noise disturbance, smells and fumes, refuse and litter, traffic considerations and car parking, and-provision for people with disabilities.

9.6 Noise disturbance

Although no details of ventilation and extraction equipment are included on the plans Environmental Health have stated they are proposed to the rear of the premises, and are to be 1 metre above eaves height. The apartment above the site itself displays windows to the rear which are directly below the extraction ventilation outlet.

Environmental Health's consultation response states that although "noise mitigation measures can be employed to reduce noise from extraction systems, they are not designed to be 'silent' and only limited noise abatement may be technically possible such that a noise impact may still be experienced. Indeed the impact may be greater where a duct is positioned close to an open-able window of a bedroom as in the case of the proposal."

9.7 Smells and fumes

Cooking odours are an unavoidable consequence of hot food take-aways.

Environmental Health stated within their response dated 24/11/15 "these odours are difficult to eradicate even with the installation of proprietary filters. Methods can also be introduced to actively reduce odours before passing through an extraction system.

These systems, however, are very expensive, require high maintenance and only remove a percentage of the total odour. They are not, nor profess to be, 100% efficient." Environmental Health stated that should the application be approved the development would have a detrimental effect on residential amenity from noise and odour.

9.8 PPS 3

	<p>The proposed development has not proposed any parking off street. DCAN 4 states that the availability of parking provision, implications for the surrounding amenity and existing traffic conditions should be taken into consideration. Transport NI responded to consultation on 18/11/15 stating the current parking provision is not in accordance with Parking Standards. They requested that a parking survey be submitted should the Planning Authority be minded to advance the application towards approval to demonstrate that adequate capacity exists within the vicinity. As the application is considered unacceptable, a parking survey was not requested and as such it is considered necessary to include a reason for refusal relating to a lack of information to demonstrate adequate on-street parking. The wording of this reason for refusal has yet to be forwarded from Transport NI.</p> <p>9.9 Given the close proximity of the proposed takeaway and associated extraction ducting are to the apartment above unavoidable noise and odour impact will be experienced, therefore having a detrimental impact on residential amenity.</p> <p>9.10 The proposal is considered to be in compliance with the development plan.</p> <p>9.11 Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and planning permission is recommended for refusal.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b> Refusal
<b>11.0</b>	<p><b>Reason for Refusal:</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Development Control Advice Note 4 'Restaurants, Cafes and Fast Food Outlets' in that the use would, if permitted, harm the living conditions of the neighbouring residential properties through noise, nuisance, odour and general disturbance resulting in a loss of residential amenity.</li> </ol>

<b>ANNEX</b>	
<b>Date Valid</b>	14th September 2015
<b>Date First Advertised</b>	9th October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 187 Falls Road Town Parks Belfast Francis Tierney 187, Falls Road, Belfast, Antrim, Northern Ireland, BT12 6AF The Owner/Occupier, St Marys College Falls Road Town Parks	
<b>Date of Last Neighbour Notification</b>	20th October 2015
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: Z/1978/0906 Proposal: CONVERSION TO 2 FLATS Address: 15 LAWRENCE STREET Decision: Decision Date:  Ref ID: Z/2010/0035/F Proposal: Change of use from retail premises at ground floor to coffee shop and external alterations. Address: 189 Falls Road, Town Parks, Belfast, Northern Ireland, BT12 6AF Decision: Decision Date: 27.05.2010  Ref ID: Z/2004/0019/F Proposal: New pedestrian gate & alterations to existing vehicular access gates Address: 191 Falls Road, Town Parks, Belfast, Northern Ireland, BT12 6FB Decision: Decision Date: 27.02.2004  Ref ID: Z/2012/0670/A Proposal: Free standing university college sign Address: St Marys University College, 191 Falls Road, Belfast, BT12 6FE, Decision: CG Decision Date: 09.08.2012	

Ref ID: LA04/2015/1065/F

Proposal: Change of use of ground floor café to hot food café & takeaway

Address: 189 Falls Road, Belfast,

Decision:

Decision Date:

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department:

**Notification from Elected Members:**

N/A