

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 17 January 2017	
Application ID: LA04/2016/2477/F	
Proposal: Change of use from butcher shop to hot food bar with rear roof odour extraction flue	Location: 47 Castlereagh Road Ballymacarret Belfast BT5 5FB
Referral Route: Hot Food Bar	
Recommendation:	Approval
Applicant Name and Address: Mr Mohamed Elshewihi Flat 8 9 Brown Square Belfast BT13 2BV	Agent Name and Address: PenMin Design 22 Belsize Road Lisburn BT27 4BN
<p>Executive Summary:</p> <p>Full planning permission is sought for a change of use from retail to a hot food outlet selling hot and cold food and drinks.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of a hot food use at this location; • Impact on amenity of neighbouring properties; • Impact on traffic flow; <p>The site is located within the city 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 a hot food bar at this location is considered acceptable and the applicant does not propose any changes to the external fabric of the building other than the proposed flue therefore design issues do not arise.</p> <p>Transport NI, NI Water 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 Description of Proposed Development

The proposal is for a change of use from a former retail building to use as a hot food bar.

2.0 Description of Site

The site is located at no.47 Castlereagh Road in South Belfast. It consists of a two storey end terrace property. The terrace block is designated in BMAP for Shopping/Commercial use. It lies along an Arterial Route.

Planning Assessment of Policy and other Material Considerations

3.0 Relevant Planning History

No relevant History

4.0 Policy Framework

Belfast Metropolitan Area Plan 2015 (BMAP)
Strategic Planning Policy Statement (SPPS)
Planning Policy Statement 3 – Access Movement and Parking

5.0 Other Material Considerations

Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.

6.0	<p>Statutory Consultees</p> <p>Transport NI – No objection</p>
7.0	<p>Non-Statutory Consultee Responses</p> <p>BCC - Environmental Health Department – No objection subject to conditions and informatives (see below) NI Water – No objection subject to condition (see below)</p>
8.0	<p>Representations - None</p>
9.0	<p>Assessment</p>
9.1	<p>The Planning (Northern Ireland) Act 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. The local development plan in this instance is the Belfast Area Metropolitan Plan 2015 (BMAP). The site is within the development limit of Belfast and falls within a Shopping/Commercial Area as designated in BMAP</p>
9.2	<p>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>
9.3	<p>(DCAN) 4: Restaurants, Cafes and Fast Food Outlets - This guidance document states that many urban areas contain commercialised radial routes which have similarities with district and local centres and therefore proposals for hot food bars will be subject to the same considerations as those applicable to district and local centres. The factors to be considered include the impact on the vitality and viability of the area and the need to retain local retailing, the ability of the area to absorb the proposal, the quality and attractiveness of the development, the impact on the amenity of adjoining residential areas in terms of noise disturbance, smell, fumes or litter.</p>
9.4	<p>Impact on the vitality and viability of this commercial area. DCAN 4 states that the proposal by itself or cumulatively with other non-retail uses should not undermine the primary role of the 'centre' in providing local convenience shopping needs and advises that the level and nature of existing non-retail uses and the number of unimplemented valid planning permissions.</p>
9.5	<p>The proposal is for the change of use from a vacant retail unit, formerly a butcher's shop (Class A1), to a hot food unit (sui generis class for hot food).</p>
9.6	<p>The site is located in close proximity to the junction of the Castlereagh Road with the Beersbridge Road and Castlereagh Street. The properties fronting onto the lower Castlereagh Road are predominantly two storey terraces with commercial use on the ground floor and store rooms/offices above. Adjacent uses include a sports supplements shop, a taxi rank, a Chinese take away, a constituency office, a convenience store, a post office, a snooker club, a betting office, a public house, a pharmacy/doctor's surgery, several hairdressers and a laundrette. The change of use of the former butchers would therefore not be out of character in the area.</p>

9.7	<p>DCAN 4 refers to five general areas of concern for fast food outlets:</p> <ul style="list-style-type: none"> • noise disturbance • smells/fumes; • refuse/litter • traffic/parking; and, • provision for people with disabilities. <p>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 in respect of noise.</p> <p>With regards smell/fumes, again the Environmental Health Department are content with the scheme subject to the odour abatement system being conditioned.</p> <p>The unit has a previous commercial use and therefore has already established the principle of noise disturbance, traffic/parking and potential refuse/litter.</p> <p>The building control application will deal with disabled access considerations.</p> <p>PPS 3 - Transport NI was consulted and had no objection.</p> <p>NI Water was consulted and advised that the applicant would need to obtain approval to connect.</p>
9.8	<p>There is an existing terrace of residential properties to the rear of the site (Willow field Street). A car park separates the commercial units along the Castlereagh Road from these residential properties. The separation distance between the rear of the unit and the nearest residential property is over 15m. It is considered that the juxtaposition of the buildings and the adequate separation distance will ensure no adverse impact on the amenity of neighbouring residents.</p>
9.9	<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>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. Deliveries and collections by commercial vehicles shall only be made to and from the site between 07:00hrs and 23:00hrs Monday to Saturday and at no time on Sundays. <p>Reason: Protection of human health and amenity due to noise and odours.</p> <ol style="list-style-type: none"> 3. 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 noise and odours.

4. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance with condition 3 above.

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

Informatives

1. All construction plant and materials shall be stored within the curtilage of the site.
2. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.
3. This development requires the installation of a grease trap.

ANNEX	
Date Valid	22 November 2016
Date First Advertised	09 December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 28 Willowfield Street,Ballymacarret,Belfast,Down,BT6 9AU The Owner/Occupier, Castlereagh Medical Centre, 35-45 Castlereagh The Owner/Occupier, Gordons Chemist, 35-45 Castlereagh The Owner/Occupier, Road,Ballymacarret,Belfast,Down,BT5 5FB The Owner/Occupier, NI Supplements, 49-51 Beersbridge Road Post Office ,49 - 51 The Owner/Occupier, Castlereagh Road,Ballymacarret,BELFAST,Co. Down,BT5 5FB</p>	
Date of Last Neighbour Notification	30 November 2016
Date of EIA Determination	N/A
ES Requested	No
Representations for Elected Representatives: None	
Notification to Department (if relevant): N/A	