

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: May 2017	Item Number:
Application ID: LA04/2017/0434/F	
Proposal: Change of use from Hair Dressing Salon to Café/restaurant with hot food carry- out facilities; includes rear extraction flue	Location: 71 Botanic Avenue Belfast BT7 1JL
Referral Route: Restaurant includes take away facility	
Recommendation:	Approval
Applicant Name and Address: Standard Life Trustees Company Ltd c/o Frazer Kidd and Partners 87-89 Victoria Street Belfast BT1 4PB	Agent Name and Address: Noteman McKee Architects 60 Malone Road Belfast BT9 5BT
<p>Executive Summary:</p> <p>Full planning permission is sought for the change of use from Hair Dressing Salon to a café / restaurant with hot food carry-out facilities.</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of take-away 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. It falls within the Queens Conservation Area and the Botanic Area of Townscape Character.</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 take away at this location is considered acceptable and complies with policy and guidance. There are no changes to the external fabric of the building and therefore design issues do not arise.</p> <p>Consultees have no objection to the proposal subject to the inclusion of conditions and informatives.</p> <p>No objection/representations were received.</p> <p>Recommendation:</p> <p>It is recommended that the delegated authority is given to the Director of Planning & Place to approve the application with conditions with the final framing and wording of conditions to be delegated.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

The proposal is for the change of use of the hair salon to a café/restaurant with hot food carryout facilities and includes the erection of a rear extraction flue.

2.0 Description of Site

The site is located at no.71 Botanic Avenue in South Belfast. It consists of the ground floor unit of a 3-storey terraced property. The unit is currently in use as a hair dressing salon. The site falls with the Queens Office Area and the Botanic Area of Townscape Character.

Planning Assessment of Policy and other Material Considerations

3.0 Relevant Planning History

Z/1987/0671 - 71 BOTANIC AVENUE - Conversion to retail units with installation of shop front and construction of rear extension - PERMISSION GRANTED

Z/1988/0601 - 71 BOTANIC AVENUE - Conversion of 1st floor retail unit to restaurant use - PERMISSION GRANTED

Z/1988/1028 - 71 BOTANIC AVENUE - Change of use to offices - PERMISSION GRANTED

	<p>Z/2008/1513/F - AM PM 67-69 Botanic Avenue - Change of use from bar/restaurant to hotel retaining ground floor bar and first floor restaurant, conversion of second floor restaurant lounge to 6 bedrooms and provision of an additional third floor for 6 bedrooms (12 bedrooms in total). (Amended proposal) - PERMISSION GRANTED - 15.05.2009</p> <p>Z/2008/1731/F - 73 Botanic Avenue - Change of use from hot food bar to restaurant at ground floor only - PERMISSION GRANTED - 17.12.2008</p>
4.0	<p>Policy Framework</p> <p>Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement</p>
5.0	<p>Other Material Considerations</p> <p>Development Control Guide Note 4 (DCAN4) Restaurants, Cafes and Fast Food Outlets.</p>
6.0	<p>Statutory Consultees</p> <p>Transport NI – No objection subject to informatives NI Water – No objection subject to informatives</p>
7.0	<p>Non-Statutory Consultee Responses</p> <p>BCC - Environmental Health Department – No objection subject to a condition and informatives</p>
8.0	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. No comments have been received.</p>
9.0	<p>Assessment</p>
	<p><u>Proposal</u></p>
9.1	<p>The proposal is for the change of use from a hair dressing salon (Class A1: Shops) to the sale of food for consumption on the premises and of hot food for consumption off the premises. There are no proposed changes to the outside of the building other than the installation of an odour extraction flue on the rear elevation.</p>
	<p><u>Site</u></p>
9.2	<p>The site is located at no.71 Botanic Avenue in South Belfast. It consists of the ground floor unit of a 3-storey terraced property. The unit is currently in use as a hair dressing salon.</p>
9.3	<p>The area is predominantly mixed use with adjacent ground floor uses including more hot food bars, a hotel, an off license, restaurants, an optometrist and cafes. Upper floors are predominantly office accommodation. There is residential /student accommodation along Mount Charles to the south west of the site and on Upper Crescent to the rear.</p>
	<p><u>Consideration</u></p>

<p>9.4</p> <p>9.5</p> <p>9.6</p> <p>9.7</p> <p>9.8</p> <p>9.9</p> <p>9.10</p> <p>9.11</p>	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of a café/bistro with take away facilities at this location; • Impact on amenity of neighbouring properties; • Impact on traffic flow; <p>As above, there is a mix of uses in the area. The site is located within a popular commercial part of Botanic Avenue. It is also close to a variety of retail outlets, bars and restaurants. It is therefore considered that a hot food bar would not be out of character in the area and would in fact add to the vitality of the area.</p> <p>The SPPS refers to Economic Development, Industry and Commerce and Regional Strategic Objectives listed include (para 6.82):</p> <ul style="list-style-type: none"> • <i>support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;</i> • <i>promote mixed-use development and improve integration between transport, economic development and other land uses, including housing;</i> <p>The proposal is not contrary to these objectives.</p> <p>DCAN 4 refers to four 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>The Council’s Environmental Health Unit was consulted about the proposed development in terms of noise, light, air pollution, general amenity, ambient air quality and contaminated land. It has no objection to the proposal subject to a condition relating to the installation and maintenance of the odour abatement system as shown in the drawing provided. It also requested the inclusion of an informative relating to The Clean Neighbourhood and Environment (NI) Act 2011.</p> <p>With the installation of the proposed odour abatement system it is considered that nearby residents will not be adversely affected by the proposal. There are no changes to the front elevation and accordingly the proposal will not impact on the character of the ATC.</p> <p>Transport NI was consulted and have no objection to the proposal.</p> <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>
<p>Neighbour Notification Checked: Yes</p>	
<p>Summary of Recommendation: Approval Subject to Conditions</p>	
<p>Conditions</p> <p>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.

2. Prior to the commencement of operation of the proposed restaurant/café with hot food carry out facilities a proprietary odour abatement system shall be installed in accordance with Drawing No.02, date stamped 21 February 2017, 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 1m above the eaves of the main building and it should be directed away from nearby offices, as per drawing no 02. The extraction and ventilation system shall be cleaned and maintained in accordance with the manufacturer's instructions to ensure compliance.

Reason: Protection of Amenity

Informatives

1. The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

2. This development requires the installation of a grease trap.

3. THE CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011

NOISE/ODOUR

1. In order to reduce the impact of possible odours and noise generated by any proposed 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 in January 2005. (DEFRA/NETCEN Guidance <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust.pdf>)

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

ANNEX	
Date Valid	21 February 2017
Date First Advertised	03 March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 6 Crescent Gardens, Malone Lower, Belfast, Antrim, BT7 1NS The Owner/Occupier, 69 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JL The Owner/Occupier, 71 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JL The Owner/Occupier, 73 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JL The Owner/Occupier, 78-80, Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JR</p>	
Date of Last Neighbour Notification	06 March 2017
Date of EIA Determination	N/A
ES Requested	No
Representations for Elected Representatives: None	
Notification to Department (if relevant): N/A	