



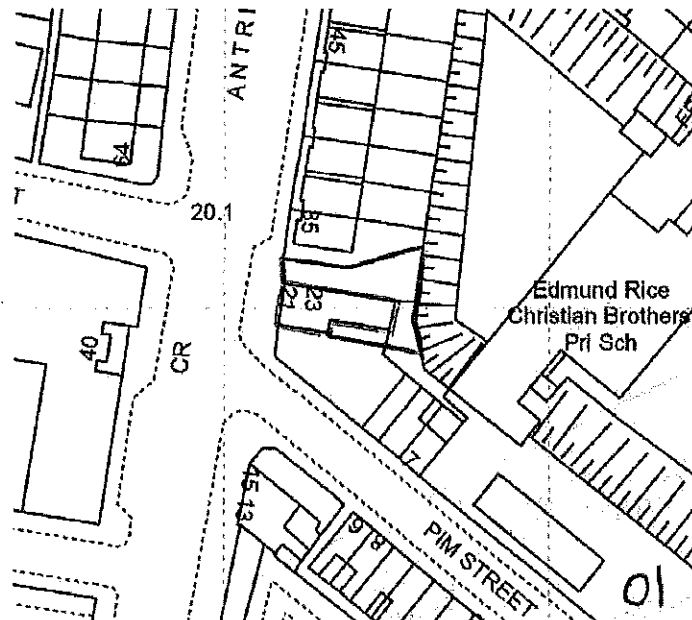
Belfast Planning Service  
Belfast City Council  
Cecil Ward Building  
4-10 Linenhall Street  
Belfast  
BT2 8BP

### Delegated Application

<b>Development Management Officer Report</b>		
<b>Case Officer:</b> Louise Medland		
<b>Application ID:</b> LA04/2016/0597/F		<b>Target Date:</b>
<b>Proposal:</b> Change of use from shop to cafe (Retrospective)		<b>Location:</b> 21 Antrim Road Belfast BT15 2BG
<b>Applicant Name and Address:</b> Stephen Shiels 3 Alderley Grove Newtownabbey BT36 7WX		<b>Agent Name and Address:</b>
<b>Date of last Neighbour Notification:</b>		19th October 2017
<b>Date of Press Advertisement:</b>		15th April 2016
<b>ES Requested:</b> No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Transport NI - Hydebank	No Objection
Non Statutory	Environmental Health	No objection subject to conditions
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	3	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues:</b>		
<p>The key issues are the effect of the proposal upon the shopping and commercial area, character and appearance of the area and on the living conditions of neighbours and consideration of the representations received.</p>		

## Site Visit Report

### Site Location Plan:



**Date of Site Visit:** 30th June 2016

### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

The proposal is for retrospective full planning permission a change of use from a retail shop (Class A1) to a cafe (Sui Genris). To the rear an extraction fan is proposed.

#### 2.0 Description of Site

The application relates to the ground floor unit at 21 Antrim Road, Belfast. The building is three storey with an apartment occupying the first and second floors. The building is finished in red brick to the front elevation and render to the rear and sides. At ground floor level is an existing shop front. The site is located with the settlement development limit for Belfast. It is located on an Arterial Route AR 01/02 and it is also located within a shopping and commercial area. To the east of the site is a primary school and opposite the site is a clinic. Side streets and to the north are existing residential dwellings. The adjacent building to the side have been previously demolished and are currently vacant.

### Planning Assessment of Policy and Other Material Considerations

#### 3.0 Site history

- 3.1 Z/2012/0577/F - Extension to building for new shop front for retail purposes - Granted
- 3.2 Z/2004/2616 - Change of use from part of dwelling to office on ground floor. Rear extension at 1st and 2nd floor level, providing for 4 bedroom flat at 23 Antrim Road. Shopfront changes, erection of 2.1m high railings and entrance gates to front at 21 Antrim Road – Withdrawn
- 3.3 Z/2008/2084/F - Erection of 4 storey building with ground floor retail unit, 5 No. 2 bed apartments and 1 No. 1 bed apartment - Granted

#### 4.0 Policy Framework

- 4.1 Regional Development Strategy
- 4.2 Belfast Urban Area Plan 2001

- 4.3 Draft Belfast Metropolitan Area Plan 2015
- 4.4 Strategic Planning Policy Statement for Northern Ireland (SPPS)
- 4.5 Planning Policy Statements 3: Access, Movement and Parking
- 4.6 Development Control Advice Note (DCAN 4) – Restaurants, Cafes and Fast Food Outlets

## **5.0 Statutory Consultees Responses**

- 5.1 None

## **6.0 Non Statutory Consultees Responses**

- 6.1 Environmental Health were consulted and re-consulted with amended plans and the objections received. Environmental Health have advised that considering the proposal, the residential use above and the nature of the business in that the food is prepared and cooked off site and is then heated up on the premises. Environmental Health identified that a convection oven and a combi oven which are used for re-heating purposes. A panini machine and a two ring portable hob. Environmental Health has advised that the proposed canopy, extraction duct and fan are typically used for domestic kitchens, and if the applicant was to intensify cooking on this site that a more suitable commercial extraction system would be required, however by the use of suitable conditions this can be controlled.
- 6.2 Transport NI was consulted and have no objection to the proposal and recommended the attachment of informatives. Transport NI confirmed by email on 15<sup>th</sup> November having considered the objections raised that their original response of 27<sup>th</sup> June 2017 of no objection still stands.

## **7.0 Representations**

- 7.1 The application has been re-neighbour notified and re-advertised in the local press. Two representations had been received from the occupier of no.5 Pim Street, raising the
- 7.2 following points;
  - Smell, litter and noise;
  - Impact on parking.

## **8.0 Other Material Considerations**

- 8.1 The site is within a designated shopping and commercial area AR 03/02 on Arterial Route AR 01/02 Antrim Road.

## **9.0 Analysis**

- 9.1 The key issues are the effect of the proposal upon the shopping and commercial area, character and appearance of the area and on the living conditions of neighbours and consideration of the representations received.

9.6 As the site is located within a Shopping and Commercial Area on an Arterial Route (AR 03/11) and therefore Policy R4 of Belfast Metropolitan Area Plan (2015) applies. The proposal does not exceed the 500m<sup>2</sup> gross floor space and it is unlikely to have an adverse impact on the shopping and commercial area. The unit had been previously vacant and the retention of the change of use as a cafe brought into use unused floor space in a designated shopping and commercial area on an arterial route. The proposed use is acceptable in a designated shopping and commercial area on an arterial route, as the policy does not preclude the use of a café and therefore will not have an adverse impact on the vitality and viability of the district centre or the role or function of the commercial node and surrounding area. The amenity, traffic movement and road safety in the area will not be detrimentally impacted upon by the proposal.

- 9.3 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.

9.6 Development Control Advice Note 4 applies.

**Noise**

Environmental Health has recommended the attachment of an opening hour's condition to protect the residential amenity of the apartment above the site.

**Smells and Fumes**

Environmental Health have considered the proposed canopy, extraction duct and fan and advised that that considering the proposal, the residential use above and the nature of the business in that the food is prepared and cooked off site and is then heated up on the premises. Environmental Health identified that a convection oven and a combi oven which are used for re-heating purposes. A panini machine and a two ring portable hob.

Environmental Health has advised that the proposed canopy, extraction duct and fan are typically used for domestic kitchens, and if the applicant was to intensify cooking on this site that a more suitable commercial extraction system would be required, however by the use of suitable conditions this can be controlled.

**Refuse and litter**

Refuse is to be disposed off inside the café and for those patrons consuming off the premises it is expected that they dispose of litter using on street bins.

**Traffic considerations and car parking**

Transport NI have considered the proposal and have no objection to the proposal.

**Provision for people with disabilities**

The proposal shows level access to the building for wheelchair users.

9.7 Two representations had been received from the occupier of no.5 Pim Street, raising the following points and each are addressed individually below;

- **Smell, litter and noise** – Environmental Health were consulted and have recommended the attachment of conditions for smell and noise, to protect the residential amenity of neighbours.
- **Impact on parking-** Transport NI were consulted with the proposal and have no objection.

9.9 Taking all factors into consideration on balance, the proposal is considered acceptable and planning permission is recommended.

<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation</b>	
Taking all factors into consideration on balance, the proposal is considered acceptable and planning permission is recommended.	
<b>Conditions:</b>	
1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011. Reason: This is a retrospective application.	
2. Within 2 months of approval, the applicant must confirm that, as a minimum, the proposed	

Cook and Lewis (or equivalent) extraction duct, fan and canopy have been installed.

Reason: Protection of residential amenity.

3. No hot plates, fryers or grills are to be used on the premises without prior approval in writing from the Council.

Reason: Protection of residential amenity.

4. The café must not operate outside the hours of 08:30-16:00hrs.

Reason: Protection of residential amenity.

**Informatives**

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Divisional Planning Offices.

4. The applicant's attention is drawn to:

i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

ii. the Code of Practice for Access for the Disabled to buildings.

5. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

The extraction duct, fan and canopy should be cleaned and maintained in accordance with manufacturer's instructions to ensure continued efficient working order.

6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

7. All construction plant and materials shall be stored within the curtilage of the site.

**Case Officer Signature:**

Date: 20/11/17

**Appointed Officer Signature:**

Date:

22/11/17.

